

Challenges and Opportunities of Refugee Integration in Turkey

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Foreword

By Heinrich Böll

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This study is the first comprehensive study intending to provide to the interested Turkish readers a general introduction about the idea of integration of migrants and refugees, which has been so far an untouched issue in Turkish public debate. It also aims to provide to the non-Turkish readers that although the concept of integration is still not an unliked, popular term, there are several legislative instruments, administrative mechanisms and social initiatives that helps the survival of millions refugees in Turkey.

We hope this pilot study will trigger a paradigmatic change in Turkey in conceiving the term “integration”.

TABLE OF CONTENTS

Boxes	iv
TABLES	iv
FIGURES	iv
ABBREVIATIONS.....	vi
INTRODUCTION	vii
CHAPTER I - REFUGEE INTEGRATION.....	1
Part I	1
Part II	2
1. International Standards.....	3
2. Components of an ideal refugee integration scheme.....	5
Part III	38
1. Germany's Integration Policy	38
2. United Kingdom's Integration Policy.....	41
3. France's Integration Policy	43
4. United States' Integration Policy.....	45
5. Canada's Integration Policy	48
CHAPTER II - DURABLE SOLUTIONOPTIONS FOR THE BENEFICIARIS OF INTERNATIONAL PROTECTION IN TURKEY.....	57
Part I	57
1. The 1951 Convention and Protocol Relation to the Status of Refugees.....	57
2. The Law of Foreigners and International Protection	59
3. The Regulations and the Secondary Law.....	66
4. Durable Solutions in the Turkish Law	67
Part II	69
1. Historical Overview of Syrian Migration to Turkey	69
2. Socio-economic and cultural aspects of Syrian migration	72
CHAPTER III - THE INTEGRATION GAP OF THE TURKISH TEPMORARY ASYLUM SYSTEM.....	77
Part I	78
1. Recognition of Legal Residence and Related Rights.....	78
2. Wage-Earning Employment, Self-Employment, Liberal Professions.....	80
3. Housing.....	82
4. Education.....	83
5. Public Relief, Social Security and Healthcare	88
6. Family Unity and Family Reunification	90
7. Identity Papers and Convention Travel Documents.....	92

CHAPTER IV – Recommendations.....	97
1. Lifting of the Geographical Limitation/One time solution	97
2. Permanent Residency.....	97
3. Integration Ministry and coordination.....	98
4. Intensive government/NGO joint ventures.....	99
5. Harmonisation of refugee and citizenship legislation.....	99
6. Economic self-sufficiency, employment.....	99
7. Language	100
8. Housing.....	102
9. Education.....	102
10. Public Relief, Social Security and Healthcare	103
References.....	104

BOXES

Box 1 Comprehensive Immigration Policy: The Canadian Model the Canadian Context	51
Box 2 The Role of UNHCR as the “integral part” of the Turkish asylum	74
Box 3 Voices of refugees: Focus Group discussions	94

TABLES

Table 1 Germany’s Division of Integration-Related Tasks across Governance Levels and Areas.....	41
Table 2 Key Common Statistics	45
Table 3 Employment rates for immigrants, by migration class (Percentage)	49
Table 4 Breakdown of the Population of Concern to UNHCR Turkey	65

FIGURES

Figure 1 The Number of People Participating in Integration Courses	40
Figure 2 Refugees in the U.S. Working Force	47
Figure 3 English Language Skills of Refugees in U.S.A.	48
Figure 4 How Canada Scores in Welcoming Newcomers	50
Figure 5 Different Types of Durable Solutions Turkish asylum system offers to different refugee groups	63

Figure 6 Number of persons under international protection (including beneficiaries of temporary protection)-DGMM	65
Figure 7 Beneficiaries of the Temporary Protection in Turkey (Syrians).....	66
Figure 8 Types of education and schooling in Turkey for Syrian refugees (2015).....	84

ABBREVIATIONS

UNHCR Nations High Commissioner for Refugees

DGMM Directorate General of Migration Management

LAW The Law on Foreigners and International Protection

NGO Non-Governmental Organization

RSD Refugee Status Determination

TP Temporary Protection

ICESCR International Covenant on Economic, Social and Cultural Rights

ILO International Labour Organization

IOM International Organization for Migration

AFAD The Presidency of Relief and Emergency Assistance

ECHR European Convention for the Protection of Human Rights and Fundamental Freedoms

CEDAW The Covenant on the Elimination of All Forms of Discrimination Against Women

EXCOM Executive Committee of the UNHCR

CRC Convention on the Rights of Children

TECs Temporary Education Centres

INTRODUCTION

General remarks on Integration as an evolving term

In 1950, the United Nations High Commissioner for Refugees (UNHCR) was mandated to safeguard the rights and well-being of refugees by leading and coordinating international action to protect refugees and resolve refugee problems worldwide. The UN agency strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state, with the option to return home voluntarily, integrate locally or resettle in a third country. However, the world has changed in ways that this mandate did not account for when it was drafted after World War II.

Interventions, principles of aid effectiveness and mechanisms have proven to be insufficient in providing durable solutions to today's far more complex global refugee crises. Today, the number of refugees is much greater, at an unprecedented 60 million worldwide, and as conflicts become far more protracted, displacements have reached an average length of 17 years making rapid relief responses and temporary refugee camps insufficient. At the same time, a refugee's chance for resettlement is globally becoming far more unlikely as countries are closing their borders to refugees, perceiving the large waves of migrants as a threat to national security and stability, especially with the rise of home-grown Jihadist terrorism. Furthermore, xenophobic sentiments are on the rise. This is apparent not only in the alarming rise of violence against asylum seekers, refugees, and migrants in industrialized countries, but also the barrage of restrictive policies and leaders' inflammatory statements, which only exacerbate this xenophobia.

The weaknesses of existing refugee response frameworks are apparent in today's Syrian refugee crisis. As the war in Syria is escalating and EU countries are resorting to closing their borders to stem the surge of refugees, Syrian refugees in Lebanon, Turkey and Jordan are more likely to remain there. This is turning what currently is a humanitarian crisis into a development issue. The magnitude and longevity of the crisis is translating into mounting costs and ever-increasing developmental challenges with consequences on these countries' economies and social fabric. It is stretching already limited resources and imposing severe stress on host communities. While the international community is pledging aid, matching resources with long-term needs is increasingly difficult, which is making the resettlement for refugees more complex than in the past.

In light of these shortcomings, there is an urgent need for strengthening processes critical to improving refugee settlement outcomes. Be it for refugees' integration into their new host communities, reintegration into their home communities, or resettlement in a third country. The elimination of inequalities, access to basic services, and the acquisition of competencies in areas of education and economic life are essential. Strong access to these services and equity frameworks would enable refugees to support themselves, develop self-sustaining livelihoods, and acquire the right skills they need to be resilient in the harsh transitions that come with return, integration, or resettlement.

In order for such processes to succeed, they must be based on a long-term framework that balances the concerns of both the refugees and the host communities, as well as addresses both the harmful, discriminatory practices on one hand, and the increasing economic, social, and political pressures faced by the host community on the other. Therefore, a sound plan for refugee settlement will offer a vision that lays out explicit policies, and frameworks for thinking about common goals to guarantee viable and inclusive communities. This plan should also take into account gender and age perspectives, which are factors that create specific types of vulnerabilities within refugee populations.

A combination of dimensions and processes – namely legal, economic, social and cultural – that gives refugees the opportunity to attain rights and achieve self-reliance in the host country is a vital strategy for refugee integration. These processes ensure that refugees displaced for long periods of time are not warehoused but are actively contributing to the host country, so as to genuinely achieve the resilience and self-reliance they need in these times of transition.

International donors and host neighbouring countries alike have realized that to achieve this, short-term humanitarian interventions are insufficient. Responses must evolve from a mainly humanitarian approach to a resilience-based framework that bridges the divide between short-term humanitarian and longer-term development responses. They are placing the resilience of national systems and institutions at the core of the response plan to ensure that refugees can access employment, education, and healthcare, while preventing that the quality of life of the local hosting community is not eroded. Global leadership and cooperation is needed more than ever in ways that can fully engage the commitment of government, international agencies, civil society, the private sector and academia.

Turkey should learn the concept of integration very quickly

This report examines the processes of refugee integration in Turkey and aims to provide a comprehensive assessment of the challenges and opportunities to a holistic refugee integration scheme in Turkey. It also tries to put forward policy recommendations for better harmonization of Syrians in Turkish communities. The reason to justify this effort is that “refugee integration” is a missing expression in Turkish literature. Historically, the Turkish asylum system has been of temporary character: durable solutions for the large part of refugees in Turkey have been sought outside the country, whether in the form of voluntary repatriation or in the form of resettlement to a third country. Turkey signed the main legal instruments of the contemporary international refugee law, namely the 1951 Geneva Convention Relating to The Status of Refugees and its 1967 Protocol with a geographical limitation. In practical terms, this means that Turkey restricts its obligations to (a) providing protection to anyone who arrives at its territory because they need international protection by not sending them back to a place where his/her freedom and life would be in danger; (b) restricts its responsibilities of providing a full refugee status only to the persons who are the citizens of an European country when they arrive to Turkey seeking for international protection. The citizens fleeing from a non-European country are only temporarily protected by Turkey, meaning they can stay in Turkey until they find a third country where they can start a new life. This option to benefit of a full refugee status with accompanying rights, i.e., local integration, to build their lives in Turkey, is not possible for non-European refugees. Since the number of refugees from European countries was

relatively low and most of them sought resettlement or voluntary repatriation as a durable solution, Turkey has never had experience integration.

Integration remained an empty concept outside the realm of asylum discourse in Turkey, which mainly focused on protection and procedural issues and problems. However, because of the reasons discussed below in this introduction as well as throughout this study, “integration” has become an urgent issue to be understood by the Turkish society in order to overcome the problem of managing the current refugee crisis of huge magnitude. This study is an effort to fill the gap of a comprehensive work on integration in Turkey, and therefore is the first comprehensive study introducing the issue of integration to the Turkish audience. The importance of filling this gap was also evidenced by a recent study on the state of integration in Turkey initiated by IOM Office in Turkey in partnership with the Directorate General on Migration Management (DGMM) and with EU funds. The publication of this study has been delayed. We hope the IOM-DGMM study and this report will complement each other as pilot studies. This report also bares the disadvantages of being the first in the field, in the sense that it may have many missing points. But, we believe in the merits of being a pilot study, and we are confident that its flaws will be filled by more studies to follow this one.

Syrians refugees leading a paradigmatic change?

The unprecedented number of Syrian refugees imposed on Turkey a task of understanding the term *integration* along with its different aspects. The Syrian refugee crisis is one of the largest mass population movements in world history and it has caused an estimated 11 million Syrians to flee their homes since the outbreak of civil war in March 2011. In this sixth year of the Syrian war, 13.5 million are in need of humanitarian assistance within the country¹. According to UNHCR’s most recent data, approximately 4.8 million have fled to Turkey, Lebanon, Jordan, Egypt and Iraq, and 6.6 million are internally displaced within Syria. About one million Syrians have requested asylum to Europe. Germany, with more than 300.000 applications and Sweden with 100.000 applications became the EU’s top receiving countries. This refugee crisis has consequences for the Syrian population, governments outside the region and for global governance. Many asylum seekers and refugees live in uncertainty and experience exclusion in receiving societies. State policies to reduce the numbers of refugees and asylum seekers contribute to a heightened anti-immigrant sentiment as the numbers of campaigns against refugees, asylum seekers and immigrants have rapidly increased in Europe. Refugees have been seen as a problem that needs to be solved and European countries introduced new regulations to control and manage the migration flow. While Europe is trying to reduce the number of refugees, Syria’s bordering and nearby countries have accepted many Syrian refugees since the civil war in Syria began. According to the UNHCR’s data on November 2016, Turkey has received 2,753,696, Lebanon 1,017,433, Jordan 655,833, Iraq 225,455 and Egypt 115,204 registered Syrian nationals². While Syrian refugees have become the world's largest refugee

¹ ‘The Syrian refugee crisis and its repercussions for the EU’, September 2016, <http://syrianrefugees.eu/>, Date accessed 13 November 2016.

² UNHCR, Syria Regional Refugee Response, updated 7 November 2016, <http://data.unhcr.org/syrianrefugees/regional.php>

population, Turkey has received the highest numbers of Syrian refugees compared to other nearby countries. The Syrian refugees started to come to Turkey in 29 April 2011. In the following three years, the number of Syrian refugees in Turkey has reached millions. Together with the large numbers of non-Syrian refugees, Turkey is currently hosting more than 3 million refugees under various status described in the Law on Foreigners and International Protection No. 6854 of 4.4.2014. This is a huge challenge for Turkey, which now faces the challenge of handling not only an unprecedented number of refugees, but also to manage a protracted humanitarian crisis. The political and security situation in Syria is not promising. With the involvement of increased number of international, regional and local actors in the six-year old conflict, the chances of emergence of a unified, democratic, equalitarian regime in Syria in the near future becomes smaller by the day. The consequences of this in the neighbouring countries to Syria, including Turkey is dramatic.

Turkey's Response to the refugee crises

Having approximately three million Syrian refugees and hundreds of thousands of non-Syrian refugees as well as hosting such huge numbers of refugees for six to ten years, Turkey has taken a number of steps. These include the adoption of its first-ever asylum legislation, as well as special measures for Syrian refugees. Both the general provisions of Turkey's new asylum law and more specific measures for Syrian refugees, the guarantees of non-refoulement, access to basic humanitarian services, access to right to education, health services and work permit have been established. Recently, the Turkish government's policy position on the Syrian population has gradually begun evolving from one of 'hospitality' to one of 'unnamed integration'.

Despite some successful government programs initiated with the international support, Refugee Law does not contain any provision stating the general obligation of the state to facilitate the integration of refugees. These obligations have evolved through historical evaluation of the international refugee law. The international refugee law recognizes the minimum standards accompanying with the refugee status, to enable a person to start a new, dignified life in the host country. In other words, these rights are seen as the minimum conditions for integration of refugees in the societies they find sanctuary.

The term "integration" is not officially used in the Turkish asylum system. The Law of Foreigners and International Protection rather employs "harmonization" as a term to replace "integration". The term harmonisation, however, is used in a different and much more restricted sense than the definition given by International refugee law. However, the fact that now there are more than three million refugees residing in Turkey, many of them for years, forced the Turkish government to recently start working on the integration of refugees. Aside from the Syrians, the fact that UNHCR has reportedly stopped submitting the files of vulnerable non-Syrian refugees such as Iraqis, Afghans, Somalians to the US in December 2016 on the grounds that the Donald Trump's administration would not resettle of these refugees from Turkey, increases the importance of integration in Turkey.

Under the light of these developments, whatever called, it is now of the utmost importance for the Turkish society, academics, the NGO community, public authorities, UN staff and INGOs to get acquaintance with the term integration as it is understood universally.

Throughout this report, the term refugee is used to describe a general category of persons. In other words, the term “refugee” with minuscule “r” refers the forced migrants who sought asylum abroad of their own country and in need of international protection, whereas the use of the term “Refugee” with capital “R” refers to recognised refugees from Europe as described in Article 61 of the Turkish Law on Foreigners and International Protection.

Methodology

This study is mainly based on Literature review and interviews-focus groups discussions with refugees. The literature review has focused on two main areas: The review of the key international refugee law documents and the international human rights law; the review of the literature on integration and review of the literature on country practices.

The study also contains a part of a comparative study of international law refugee law and Turkish asylum legislation and practices from the perspective of integration. It has two main assumptions: 1. Integration is measurable despite the difficulties of its description; 2. Integration is comparable despite the differences in different national stings. The Convention Relating to the Status of Refugees, and 1967 Protocol as well as the relevant human rights instruments have been the main documents to be reviewed

We have extensively benefited, among other documents, from the Integration Rights and Practices with Regard to Recognised Refugees in the Central European Countries by Rosa M. Da Costa, and MGO’s Refugee Integration Tool.³

Organization of Chapters

Each chapter in this study, with the exception of the last, concerns a specific right or set of rights and is divided into four distinct sections. The first chapter explores the relevant international standards including best practices of integration in the world. The second chapter focuses on a comparative analysis; it pays more attention to the Turkish legislation and includes the outcome of focus group discussions with refugees in Turkey. The third chapter includes an overview of Syrian migration to Turkey with a particular focus on the migration timeline and on socio- economic and cultural aspects of Syrian migration to Turkey. It is a gap analysis of Turkish asylum system with reference to integration. The final chapter comprises policy recommendations.

³ UNHCR’s EUROPEAN SERIES, Volume 5 • No 1 • July 2000). Refugee Integration Tool, Country Experiences. <http://www.migpolgroup.com/portfolio/refugee-integration-use-indicators-evidence-central-europe/>

CHAPTER I - REFUGEE INTEGRATION

Part I

Theoretical Framework of 'Integration'

Integration has various definitions that differ from author to author, vary from country to country, and depend on government policy as Castles *et al.* (2002: 12) argued, “there is no single generally accepted definition, theory or model of immigrant and refugee integration. The concept continues to be controversial and hotly debated”. Integration has been defined as a chaotic concept because it is used by many but understood differently by Robinson (1998) (Ager and Strang, 2008). However, at the minimum, integration involves rights, settlement and adjustment of (forced) migrants (Strang and Ager, 2010).

A growing literature on integration has been influenced by the analysis of Ager and Strang (2004), which develops a framework to operationalize the processes of integration. In their account, the framework is structured around ten domains that are grouped under four headings as ‘means and markers’ (employment, housing, education, health), ‘social connections’ (social bridges, social bonds, social links), ‘facilitators’ (language and cultural knowledge, safety and stability), ‘foundation’ (rights and citizenship). Ager and Strang (2008) proposed a comprehensive approach to integration by focusing on access and achievement of migrants and refugees. They defined the key domains of integration as employment, health and housing sector, education, rights and citizenship, community and social connections and associated social and cultural barriers to such connections in their later work. Their approach offers a way to understand the spheres of integration and contributes to understanding integration processes, however, it does not take into account of the dynamics of receiving societies, the status and situations of refugees.

The European Council on Refugees and Exiles (ECRE) has been defining refugee integration as a multi-dimensional and two-way process, involving the (forced) migrants in the receiving society and a perception of acceptance of the established population and other communities (ECRE, 1999). According to Stubbs (1996: 36) “integration refers to the attempt to facilitate a sharing of resources- economic and social, an equalizing of rights- political and territorial, and the development of cultural exchanges and new cultural forms, between refugees and all other members of a society”. Phillimore (2012: 3) also highlights the development of social relationships between migrants and hosts, a sense of belonging in the host community and ‘confidence to exercise rights and resources such as education, work and housing’.

Moreover, the integration processes of refugees in the Western countries and in non-European countries may also be differentiated in relation to legal status and access to fundamental rights. Consequently, it is important to draw on the experiences of refugees in the receiving society,

their intentions and aspirations to integrate, all of which are related to the conditions upon arrival. Integration therefore needs to be understood as a multidimensional two-way process starting from the very first moment of arrival in a new country. This definition highlights the intersection between a legal status and refugee integration. Research on refugee integration has not paid much attention to integration processes of refugees whose legal status is undetermined and who lack access to fundamental rights. This raises the fundamental question if we can talk about integration in the case of refugees whose legal status is undetermined and rights are limited. In such cases, there is a need to focus on the intentions and aspirations of refugees to integrate with the receiving society rather than the role of the receiving state in processes of integration.

In 2003, the European Commission came up with a more comprehensive view on integration policies in its Communication on Immigration, Integration and Employment (EC 2003). This defined integration as ‘a two-way process based on reciprocity of rights and obligations of third-country nationals and host societies [and foreseeing] the immigrant’s full participation’. Integration was conceived as a balance of rights and obligations and policies took a holistic approach targeting all dimensions of integration (including economic, social, and political rights; cultural and religious diversity; and citizenship and participation).

In 2010, the third multi-annual programme on an Area of Freedom, Security and Justice (AFSJ), the so-called Stockholm Programme, insisted once more that integration requires ‘not only efforts by national, regional and local authorities but also a greater commitment by the host community and immigrants’ (EC 2010).

In 2011, the European Commission renewed a policy on the Integration for the Third-Country Nationals, which added the countries of origin as a third key actor in the process of immigrants’ integration, thereby introducing the three-way process. Countries of origin have a role to play in support of the integration process in three ways: 1) to prepare the integration already before the migrants’ departure; 2) to support the migrants while in the EU, e.g. through support via the Embassies; 3) to prepare the migrant’s temporary or definitive return with acquired experience and knowledge (EC 2011, 10).

The European Commission’s recent departure from viewing integration as a strictly two-way process (between migrants and the receiving society) to now acknowledge ‘that countries of origin can have a role to play in support of the integration process’ (EC 2011, 10). Countries’ integration policies differ depending on their migration history, the structure of society, socio-economic and political dynamics.

Part II

Right-based integration as a durable solution for refugees

1. International Standards

The full name of the Refugee Convention is the “Convention Related to the Status of Refugees”. The term “Status” in the title of the Refugee Convention is linked to the rights of the refugees once they are on the territory of the country of asylum and their claims to fear being persecution on Convention grounds are found well-founded. These rights listed in the Refugee Convention are the result of the evaluation of the contemporary refugee regime since the end of the World War I and the creation in 1920 of the League of Nations’ Office of the High Commissioner for Refugees coming from Russia. The international efforts to solve refugee crisis affecting tens of millions of refugees at the aftermath of the two World Wars focused on convincing the states to recognise refugee status, which guarantees increasing number of rights and entitlements to enable them to start a new life in the host communities following some largely unsuccessful tries to return back home.

The contemporary Refugee Law, which has grown out of such early efforts, contain provisions about a number of obligations of the state to recognize rights to facilitate the integration of refugees.

These rights are recognized by the international refugee law as the minimum standards accompanying with the refugee status, to enable a person to start a new, dignified life in the host country. The Articles 12 and 30 of the Refugee Convention Related to the Status of Refugees (Hereinafter the 1951 Refugee Convention) set out the rights which individuals are entitled to once they have been recognized as refugees:

- All refugees must be granted identity papers and travel documents that allow them to travel outside the country.
- Refugees must receive the most favourable treatment provided to nationals of a foreign country with regard to the following rights:
 - The right to belong to trade unions
 - The right to belong to other non-political non-profit organizations
 - The right to engage in wage-earning employment
- Refugees must receive the most favourable treatment possible, which must be at least as favourable to that accorded aliens generally in the same circumstances, with regard to the following rights:
 - The right to own property
 - The right to practice a profession
 - The right to self-employment
 - Access to housing
 - Access to higher education
- Refugees must receive the same treatment as that accorded to aliens generally with regard to the following rights:
 - The right to choose their place of residence

- The right to move freely within the country
- Free exercise of religion and religious education
- Free access to the courts, including legal assistance
- Access to elementary education
- Access to public relief and assistance
- Protection provided by social security
- Protection of intellectual property such as inventions and trade names
- Protection of literary, artistic and scientific work
- Equal treatment by taxing authorities

During the evolution of the international refugee regime, these rights have been gradually developed and progressively inserted into the subsequent international arrangements and conventions. The Article 33 of the 1951 Refugee Convention, on the other hand, is about the basic right for international protection:

Article 33: Prohibition of Expulsion or Return (“refoulement”)

No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

1951 Refugee Convention

While the 1951 Refugee Convention sets the principle of prohibition or return of a refugee as an absolute obligation and obliges the State Parties to recognize certain rights to start a new life, it only strongly recommends in Article 34, the States to give refugees a citizenship:

With their status, refugees should be granted a secure and durable form of legal residency status, such as permanent residence, upon recognition. Granting refugees permanent residence is one of the most effective measures which states can take to facilitate integration, as is required by Article 34 of the 1951 Refugee Convention. Such a status not only offers refugees a form of legal residency, which is conducive to integration due to its long-term security, but it also grants them the rights attributed to this status, which are frequently essentially the same as those granted to nationals.

Moreover, it has the benefit of linking the status and rights of refugees with a more common and better known form of legal residence, thereby facilitating the implementation of their rights. A more common residency status is bound to cause less confusion and requiring less training at the level of implementation for government institutions, refugee-assisting non-governmental organizations (hereinafter NGOs), as well as in the private sector, such as with employers and landlords. Recognized refugees would therefore only require special attention or treatment in those areas where they are granted special protection or rights by virtue of their refugee status. Furthermore, in addition to bureaucratic simplification, a streamlined and durable residency status may have a beneficial psychological impact on refugee integration, by potentially

reducing the stigma often associated to refugee status and providing refugees a sense of long-term security, which encourages the establishment of durable ties in the host country.

2. Components of an ideal refugee integration scheme

The following part of this study is largely based on UNHCR's report, *Integration Rights and Practices with Regard to Recognised Refugees in the Central European Countries*⁴ and the Refugee Integration Tool, developed by MPG and being implemented by IGAM and MPG in Turkey. In most cases, refugee integration refers to recognized refugees since the moment they decided to stay in the host countries for indefinite period. Recognition of their rights are therefore imported to start with a new life. However, successful integration policies need to cover other categories such as asylum applicants, the beneficiaries of subsidiary protection and humanitarian protection.

2.1. Recognition of Legal Residence and Related Rights

This part examines residency status, naturalization and assimilation, three topics which are best treated together as they are inter-related. Under Article 34 of the 1951 Refugee Convention relating to the Status of Refugees, Contracting States have the dual obligation to facilitate both the naturalization and assimilation (i.e., integration) of recognized refugees.

The type of legal residency status to be granted to recognized refugees does not benefit from an explicit provision in the 1951 Convention or any other international instrument. It is nonetheless an integral aspect of integration, particularly so in this region where rights come with residency status, rather than citizenship. Seen from this perspective, granting refugees a long-term residency status may be interpreted as a concrete measure facilitating integration.

Indeed, besides being simply recognized refugees in their host countries with the related rights under the 1951 Convention, in most countries refugees also benefit from a durable legal residency status and its more generous accompanying regime of rights. This legal residency status therefore constitutes the basis of their more general rights and legal standing in their host country.

The proof of one's legal residency status is usually in the form of identification/ residency cards, which are necessary in order to gain access to many rights, including the right to work and to social assistance benefits. Refugees in some countries have experienced difficulties obtaining these cards. Without such identification/residency cards serving as proof of their status, refugees are unable to implement even their most basic of rights. UNHCR considers that reception policies are more effective if they are guided by the potential longer term outcomes of the process, including the integration of those persons who are ultimately recognised to be in need of international protection.

⁴ Rosa M. Da Costa, *Integration Rights and Practices with Regard to Recognized Refugees in the Central European Countries*. UNHCR Bureau of Europe, European Series. Volume 5, No 1, July 2000

MPG Refugee Integration Tool, developed by the Belgium based Migration Policy Group (MPG) in cooperation with the UNHCR Budapest Office, identifies the following indicators of the reception conditions:

- (a) Type and duration of residence permit upon recognition: The type of residency permit has an influence on the integration. It makes for example a big difference on integration if the state provides a residence permit valid for at least 5 years, 3 years or less than 3 years.
- (b) Renewal of residence permit: How is the residency permit renewed? Is it necessary to renew it or is it done automatically? Is the permit renewed upon simple application? Is the permit renewed upon application if additional requirements are met?
- (c) Residency requirements for the granting permanent/long-term residence: Is the waiting time for an asylum decision counted for the acquisition of permanent/long-term residence?
- (d) Facilitated conditions for long-term residence: Are the normal conditions for acquiring long-term residence (i.e. economic resources, language knowledge, housing, integration, fees etc.) waived or reduced for beneficiaries of international protection? Or are they the same as for ordinary third-country nationals?
- (e) Facilitated conditions for vulnerable persons applying for long-term residence: Do vulnerable groups of beneficiaries of international protection benefit from facilitated conditions for acquiring long-term residency, compared to ordinary beneficiaries of protection?
- (f) Fees and costs of the residency procedures (converted in euros): What are the average fees (required by administration) and costs (i.e. medical, language etc.) per person.
- (g) Acceptance rate for long-term residence: How many beneficiaries of international protection who applied for long-term residence were accepted in the last calendar year? (If this is automatically acquired upon recognition, leave blank)
- (h) Long-term residents with special needs: What percent of vulnerable persons have acquired long-term residence in the last calendar year?
- (i) Reasons for rejection for long-term: How many unsuccessful applications for long-term residence from beneficiaries of international protection were rejected last year for the following reasons? (Applications rejected for multiple reasons should be included under each relevant category.)
- (j) Satisfaction with security of status: What percent of beneficiaries of international protection are satisfied with the security of their status?

2.1.1. Naturalization

Article 34: Naturalization and Assimilation

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

1951 Refugee Convention

Statute of the Office of the United Nations High Commissioner for Refugees, General Assembly Resolution 428 (V) of 14 December 1950 Article 2(e)

Calls upon Governments to co-operate with the United Nations High Commissioner for Refugees in the performance of his functions concerning refugees falling under the competence of his Office, especially by:

...

(e) Promoting the assimilation of refugees, especially by facilitating their naturalization

Statute of the Office of UNHCR, Article 2 (e)

Granting of national citizenship is the most durable, and often most desirable long-term solution for a person wishing to end his/her refugee status. However, it remains a matter solely within the competence of each state to decide. The refugee situation represents an abnormality and should not be regarded as permanent. While refugee status offers the person certain guarantees, s/he continues to be vulnerable in that s/he lacks an effective nationality. S/he cannot return to his/her country of origin, and neither can s/he rely on the comprehensive state protection normally attached to citizenship, even if s/he is granted certain rights such as the right of stay and non-refoulement in his/her host country.

This absence of an effective nationality is evidenced for example, in the relative lack of state protection granted to recognized refugees while outside their country of asylum. In contrast to nationals who benefit from the protection of their country of origin while abroad and have the right of return to that country, recognized refugees have relatively few guarantees on these respects.

From a legal point of view, naturalization therefore represents the objective completion of the integration process into a new society, the right to have full legal protection from the state in question (both within and outside the country), and the acquisition of an effective nationality. From a more sociological perspective, it also indicates the existence of a subjective attachment and commitment to the host country by the refugee.

Article 34 does not contain an obligation for the host country, but it imposes differing degrees of obligation on Contracting States. The first part of Article 34 consists of a general recommendation for the facilitation of naturalization and assimilation, while the second needs a more specific requirement to expedite and reduce the costs of naturalization. Thus, while retaining their sovereign right to grant citizenship, states nonetheless intended to give favourable consideration to requests for naturalization by refugees, and to reduce the financial obstacles that this procedure may represent for refugees with little or no financial means.

The Council of Europe has adopted several Recommendations and Resolutions on the acquisition by refugees of the nationality of their country of residence. The Recommendation

of 1969 to this effect, followed by the accompanying Resolution of 1970, invites governments to facilitate naturalization by adopting a liberal interpretation of the legal requirements regarding the assimilation of refugees, and by removing or reducing the legal obstacles to naturalization. The Council of Europe adopted another on the same topic in 1984, this time expressing concern that economic recession had brought about a resurgence of xenophobic and racist movements, as well as expressing the conviction that naturalization within a reasonable time period is one of the most crucial factors for the integration of refugees.

MPG Refugee Integration Tool, identifies the following indicators of the Access to an effective nationality (naturalization) conditions:

- (a) Facilitated residence requirement: Do first generation beneficiaries of international protection face the same residence requirement to be eligible for naturalisation?
- (b) Period for residence requirement: Do the years counted towards the residence requirement include: (i) years as a long-term/permanent resident? (ii) years as a recognised beneficiary of international protection in the country? (iii) years of legal stay awaiting an asylum decision?
- (c) Economic resource requirement: Is there an economic resource requirement for this group's naturalisation (i.e. income, employment)?
- (d) Indicator: Language assessment: Is there a language assessment requirement for this group's naturalisation?
- (e) 'Integration'/citizenship assessment: Is there an 'integration'/citizenship assessment requirement for this group's naturalisation?
- (f) Criminal record requirement: Is there a criminal record requirement for this group's naturalisation?
- (g) Documents from country of origin: Does the law provide for (i) Exemptions from the documentation requirement in defined circumstances (i.e. certain categories or countries of origin) (ii) Alternative methods where documents are not available.
- (h) Facilitated conditions for vulnerable persons applying for naturalisation: Do vulnerable groups of beneficiaries of international protection benefit from facilitated requirements to naturalise compared to other beneficiaries of international protection?
- (i) Naturalisation by entitlement for second generation: Do children born in the host country of beneficiaries of international protection (second generation) have an entitlement to naturalisation? Is the second generation automatically entitled (either at birth or after birth)? Are naturalisation conditions facilitated for them? Is the procedure the same as for the 1st generation, unless they would otherwise be stateless at birth?
- (j) Expedited length of procedure: Is there a legal limit to the length of the naturalisation procedure?
- (k) Amount of fees and costs: What are the average fees and costs for naturalisation?
- (l) Acceptance rate for naturalisation and access to nationality: How many beneficiaries of international protection were naturalised in a year?
- (m) Outcome of access to nationality: What percent of beneficiaries of international protection have acquired the nationality of the country in the last calendar year?
- (n) Reasons for rejection for access to nationality: How many unsuccessful applications from beneficiaries of international protection were rejected in one year last year for the

following reasons? (i) Residence period requirement; (ii) Economic resource requirement; (iii) Integration assessment; (iv) Documentation; (v) Other requirements; (vi) Unknown reasons

2.1.2. Assimilation

Article 34, Naturalization and Assimilation

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

1951 Refugee Convention

Statute of the Office of the United Nations High Commissioner for Refugees, General Assembly Resolution 428 (V) of 14 December 1950 Article 2(e)

Calls upon Governments to co-operate with the United Nations High Commissioner for Refugees in the performance of his functions concerning refugees falling under the competence of his Office, especially by:

...

(e) Promoting the assimilation of refugees, especially by facilitating their naturalization;

Statute of the Office of UNHCR, Article 2 (e)

The term assimilation under Article 34 of the Refugee Convention is understood in the sense of integration into the economic, social and cultural life of the country, and not as denoting any notion of forced assimilation or coercion.

Assimilation or integration refers to the process of laying the foundations for the refugee to familiarize himself with the customs, language and way of life of his country of asylum. This may be accomplished through such means as language and vocational courses, lectures on national institutions and culture, and by creating opportunities for stimulating contacts between refugees and the host population. Assimilation may be seen as a description of a particular stage in the life of a refugee, one which precedes and corresponds to the conditions for being granted citizenship.

The Statute of the Office of the UNHCR also contains provisions stipulating as one of the tasks of this Office, the protection of refugees by assisting both governments and private organizations in the process of assimilation of recognized refugees within national communities. In particular, the UNHCR Statute calls upon governments to promote the assimilation of refugees, especially by facilitating their naturalization.

Principally, integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of the host countries. It is also assumed that frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures, and

stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens. Another important issue is that the participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.

MPG Refugee Integration Tool, identifies the following indicators of the Access to an effective integration/assimilation conditions:

- (a) Expectations and obligations towards the host society regarding the integration of refugees: Does the national integration strategy on beneficiaries of international protection puts an expectation/obligation on the host society to be actively involved in the integration of beneficiaries of international protection?
- (b) Coordination and regional and local authorities on social cohesion: Does the state; (i) require regional and local authorities to set up regional and/or local social cohesion strategies referring to refugees; (ii) provide means for regional and local authorities for the execution of the regional and/or local social cohesion strategies referring to the integration of beneficiaries of international protection (i.e. additional funding, staff trainings, platform for exchange on best practices)?
- (c) Enhancing voluntary initiatives: Does the state support voluntary initiatives by: (i) offering funding for the national, regional, local coordination of these initiatives? (ii) Making them part of the standard integration offers for refugees (e.g. regular social orientation classes followed by voluntary one-to-one mentorship programmes)? (iii) Offering guidelines, training and other support to evaluate the effectiveness of these initiatives?
- (d) Number of refugees receiving one-to-one mentorship: How many refugees have received one-to-one socio-cultural mentorship in state-supported voluntary initiatives in one year?
- (e) Number of beneficiaries of international protection receiving one-to-one mentorship: How many refugees have received one-to-one socio-cultural mentorship in state-supported voluntary initiatives in one year?
- (f) Number of legal guardians for unaccompanied minors: How many legal guardians support unaccompanied minors through state-supported voluntary initiatives?
- (g) Enhancing the involvement of refugees in civic activities: Does the state support the participation of beneficiaries of international protection in civic activities (voluntary organisations, sports clubs, involvement in political parties etc.): (i) through targeted information campaigns on the rights and possibilities of beneficiaries of international protection to join such activities? (ii) by offering means to such organisations to organise outreach to beneficiaries of international protection (campaigns, people-to-people events, one-to-one mentoring schemes)?
- (h) Involvement in national consultation processes: Does the national government have a body to consult with refugees on issues concerning their integration?
- (i) Involvement in local consultation processes: Does the state support regional and local authorities to have a permanent body to consult with refugees on issues of their regional and local integration? (i) The national integration strategy expects regional and local authorities to include refugees in regional and/or local consultations processes. (ii) The

state offer means (funding, guidelines, other forms of support) to establish regional and/or local permanent consultative bodies, to consult with refugees on issues of their regional and local integration.

- (j) Funding for associations run by refugees: What was the amount of the funding in one year to support associations run by refugees?
- (k) Number of beneficiaries of international protection in civic activities: How many refugees were active in the following activities in the last calendar year? *(i)* NGOs, other voluntary initiatives; *(ii)* Political parties; *(iii)* Sports clubs.
- (l) Number of NGOs in the country run by refugees: How many NGOs were there in one year that have been founded and run by refugees?
- (m) Language learning and social orientation (Principally basic knowledge of the host society's language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration. Meanwhile, the practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law): Enrolment in state-supported host language courses; How many asylum seekers and refugees enrol in state-supported, free host language courses in a year?
- (n) Average time between an asylum application and the enrolment in host language learning programmes: How long did it take, on average in the last calendar year, for asylum seekers to be enrolled in a state-supported host language courses?
- (o) Access to host language learning: To what extent are free, state-supported host language courses available for asylum seekers and refugees, which are designed to facilitate integration? *(i)* Free courses are provided and no further obligations are attached; *(ii)* Free courses are provided and participants are obliged to attend until they have achieved the proficiency level required for long-term residence; *(iii)* Courses are not free and no further obligations are attached; *(iv)* Courses are not free and participants are obliged to attend until they achieve a specified level of proficiency.
- (p) Quality of language courses: Which measures are taken to ensure high quality host language tuition? *(i)* Participants are placed in courses according to their needs after an assessment of existing knowledge of the host language; *(ii)* Curricula are targeted and take into account the specific communication needs of new coming refugees (in taught vocabulary, raised issues etc.); *(iii)* Teaching is provided by trained and certified second-language teachers. *(iv)* Targeted courses are regularly evaluated in the light of country-wide quality standards; *(v)* Different formats exist to facilitate language learning for different target groups (e.g. evening classes for employed persons, literacy courses for illiterate adults, courses with parallel childcare, on-the-job learning of professional terminology...).
- (q) Duration of host language learning: For how long can asylum seekers and beneficiaries of international protection benefit from state-supported host language tuition?
- (r) Duration of translation and interpretation assistance: For how long can asylum seekers and beneficiaries of international protection benefit from state-supported translation and interpretation assistance? *(i)* Based on individual assessment until proficiency is attained; *(ii)* For a fixed number of hours or for a fixed term without individual assessment; *(iii)* No services are supported by the state.

- (s) Host language learning budgets: How much is actually spent in one year on targeted host language learning?
- (t) Host language learning staff: How many full-time equivalent teachers provided targeted host language courses in the last calendar year?
- (u) Completion of host language courses: How many asylum seekers and refugees have successfully complete state-supported host language courses? 10. Indicator: Satisfaction with state-supported host language courses
- (v) Completion of state-supported social orientation courses: How many asylum seekers and refugees complete state-supported social orientation courses in one year?
- (w) Access to social orientation: To what extent are free, state-supported social orientation courses available for asylum seekers and refugees, which are designed to facilitate integration?
- (x) Provision of social orientation for groups of special concern: For which target groups are social orientation courses provided that are adapted to the group's specific needs and interests? (i) Unaccompanied minors; (ii) Single parents with children; (iii) Women; (iv) Elderly; (v) Victims of violence, torture, abuse, other forms of trauma; (vi) Illiterate or semi-illiterate
- (y) Indicator: Social orientation budgets: How much was actually spent in the last calendar year on social orientation programmes (converted into euros)?
- (z) Social orientation staff: The number of full-time equivalent staff in the last calendar year directly working in targeted social orientation programmes.

2.2. Wage-Earning Employment, Self-Employment, Liberal Professions

The 1951 Convention contains three provisions relating to the right to work, and more specifically, with regard to the right to wage earning employment, self-employment and liberal professions.

On these matters, article 17 on wage earning employment offers refugees the highest standard of treatment. A definition of wage-earning employment is not provided in the 1951 Convention, but it should be taken in its broadest sense, so as to include all forms of legal employment which cannot be categorized as either self-employment or a liberal profession.

Article 17, Wage-earning employment

1. The Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.
2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:
 - a) He has completed three years residence in the country;

b) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefits of this provision if he has abandoned his spouse;

c) He has one or more children possessing the nationality of the country of residence.

3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programs of labour recruitment or under immigration schemes.

1951 Refugee Convention

This mandatory provision to grant refugees the most favourable, rather than simply the same treatment accorded to other aliens in the same circumstances, is justified by the fact that refugees cannot rely on their governments to obtain exceptions or favourable conditions for them by means of a convention. Thus, they are to benefit from the best treatment granted to nationals of any other country, whether by treaty or by practice. This includes the preferential treatment granted to aliens by virtue of arrangements the host country negotiated with favoured states. Any restrictions imposed on refugees will have to meet this test.

The term “in the same circumstances” refers to the fact that a refugee must fulfil any requirements, such as length and conditions of residence, which another individual who is not a refugee would have to fulfil in order to enjoy this right. Naturally, an exception must be made with regard to those requirements, which by their nature, a refugee is incapable of fulfilling.

Paragraph 2 provides for a more favourable treatment for refugees who have a special tie to the receiving country, including refugees who have lived for three years in the host country, are married to a national or have a child who is a national. Such persons are exempt from the restrictive measures, which may normally be imposed on aliens in order to protect the national labour market.

2.2.1. Other Relevant International and Regional Instruments

The Universal Declaration of Human Rights as well as the International Covenant on Economic, Social and Cultural Rights (Hereinafter ICESCR) also includes the right of everyone, without distinction, to work and to freely choose employment. This right is further protected in relation to non-nationals, by the non-discrimination provisions in both of these instruments. In practice, however, we know that governments traditionally restrict free access to the labour market to non-nationals. Moreover, these restrictions are not limited to developing countries, which benefit from a special dispensation in the ICESCR that allows them to impose restrictions on the economic rights of non-nationals in order to protect their national economy. Yet, the Covenant’s Monitoring Committee has failed to take a conclusive stand with regard to this principle of non-discrimination. Likewise, the Human Rights Commission, has not as of yet explicitly addressed this issue under article 26 (prohibition of discrimination) of the International Covenant on Civil and Political Rights either.

International Labour Organization (hereinafter ILO) Conventions relating to employment and migration, such as the 1949 and 1975 Conventions, which apply to refugees who fit the

definition of a migrant worker (even if their primary objective is protection), also establish the principle of equal treatment with nationals with respect to employment and working conditions, after a certain period of work and residence in that country.

Refugee women also benefit from the provisions in the Convention on the Elimination of All Forms of Discrimination Against Women (hereinafter referred as CEDAW), which accord all women special protection against discrimination in the area of employment and working conditions, and particularly in order to prevent discrimination on grounds of marital status or maternity.

Article 18, Self-employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

1951 Refugee Convention

The treatment accorded to refugees with regard to self-employment in the 1951 Convention is less generous than in the case of wage-earning employment. Indeed, instead of the most favourable treatment granted to foreigners, Article 18 only provides for the standard of treatment for refugees, which is granted to aliens generally in the same circumstances. However, beyond this legal obligation, this provision also recommends that States Parties accord refugees treatment as favourable as possible. This implies a positive effort on the part of the state to facilitate self-employment and lift restrictions for refugees in particular. It also implies that refugees are to benefit from those rights routinely granted to aliens, though this does not include the special treatment granted to preferred aliens.

The enumeration of the areas of self-employment contained in article 18 must be interpreted in the widest possible sense.

Article 19, Liberal Professions

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practicing a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

2. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.

1951 Refugee Convention

The treatment accorded to refugees in this Article is the same as that applicable to self-employment, with the additional requirement that a diploma may be required and must, in that case, be recognized by the receiving state. Thus, while refugees are to receive at least the same treatment as aliens generally under the same circumstances, they also benefit from the

obligation that Contracting States have undertaken to grant refugees treatment as favourable as possible. The States are expected to make a positive effort to minimize the restrictions imposed on refugees wishing to practice their profession or open their own business. In this sense, refugees may be accorded greater rights and facility to exercise their liberal professions than other aliens.

While the term liberal profession has not been specifically defined, experts on the 1951 Convention have suggested that it is usually understood as referring to lawyers, physicians, architects, dentists, pharmacists, architects, engineers, veterinarians, artists, and probably other professions such as accountants, interpreters, scientists etc. While profession denotes the possession of certain qualifications, such as a diploma or license for example, the term liberal suggests that this professional works on his own rather than as a salaried employee or state agent.

The term diploma should not be given a narrow interpretation, but should be understood as any degree, examination, admission, authorization, or completion of a course which is required for the exercise of a profession.

MPG Refugee Integration Tool identifies that employment is a key part of the integration process and is central to the participation of refugees, to the contributions refugees make to the host society, and to making such contributions visible. These are MPG's indicators of employment to an effective integration/assimilation conditions:

- a) Legal employment and self-employment: How many asylum seekers and refugees in working age are legally employed or self-employed in a year? (i) Employed With a full-time work contract; (ii) With a part-time work contract; (iii) With a temporary work contract; (iv) Self-employed
- b) Educational attainment level: What is the highest level of education completed successfully by asylum seekers and refugees in working age?
- c) Access to employment: Do asylum seekers and refugees have the legal right to equal treatment in employment? (i) Same access as nationals, without general conditions that they could not meet as newcomers; (ii) Same access as nationals, but with general conditions that they could not meet as newcomers; (iii) Additional restrictions apply to refugees.
- d) Access to self-employment: Do refugees have the legal right to equal treatment in self-employment (Access to self-employment in general / Access to self-employment in the liberal professions)? (i) Same access as nationals, without general conditions that they could not meet as newcomers. (ii) Same access as nationals, but with general conditions that they could not meet as newcomers. (iii) Additional restrictions apply to refugees.
- e) Access to employment for groups of special concern: Must employment law take into account the specific situation of these groups receiving international protection? (i) Unaccompanied minors in working age; (ii) Single parents; (iii) Women; (iv) Elderly; (v) Disabled; (vi) Victims of violence torture, abuse, other forms of trauma
- f) Right to recognition of formal degrees and right to skills validation for refugees: Is the state required by law to provide for the recognition of prior qualifications? (i) Refugees have a right to skill validation and accreditation of prior learning (i.e. qualification

assessment procedure). *(ii)* Refugees have a right to recognition (equivalence procedure) of formal degrees.

- g) Assessment of skills: How are the skills of refugees assessed? *(i)* The state provides nation-wide criteria to assess their level of professional education and skills. *(ii)* The state provides assessments with appropriate translation or in the first language of the beneficiary. *(iii)* The state provides guidelines for assessments where documentary evidence from the country of origin is unavailable (i.e. level of education, skills, needs).
- h) Recognition of foreign diplomas, certificates, and other evidence of formal qualifications: Do refugees go through the same procedures as nationals to have diplomas or other qualifications recognised in the country?
- i) Support in the recognition of foreign diplomas, certificates, and other formal qualifications: Does the procedure take into account the special needs of refugees? *(i)* If documents from the country of origin are unavailable, the procedure accepts alternative documents or methods of assessments like tests or interviews; *(ii)* The state provides financial or technical assistance to complete the procedure (i.e. to acquire or translate documents or pass exams, reduced fees).
- j) Job-seeking counselling and positive action: Do refugee job-seekers have access to targeted support in addition to mainstream services for the population? *(i)* Specialised staff (either within mainstream services or through separate state-funded programmes); *(ii)* Positive action programmes (i.e. subsidies for employers, job placement services, "on-the-job" trainings)
- k) Targeted support for entrepreneurs: How does the state or public bodies like business development agencies etc. support entrepreneurs who are refugees? *(i)* Criteria exist to identify eligible and capable candidates (i.e. former SME owners, workers with skills that are not traditional or easily transferable, women); *(ii)* Targeted support/ assistance is provided for the preparation of a business plan (i.e. information on taxation, regulatory framework, market); *(iii)* Financial/logistical support is provided for start-up and running the business (i.e. grants and micro-credits, access to credit, initial capital outlay, alternative income/social support, ongoing business development activities)
- l) Mechanisms to mainstream the integration of refugees into employment policies: Has the ministry responsible for employment? *(i)* Adopted a formal strategy involving all relevant partners (government ministries, trade unions and other employee organizations, chambers and other employer organisations, regional and local authorities, NGOs) to facilitate the integration of refugees through employment? *(ii)* A mechanism to monitor employment policies and services and the employment outcomes for beneficiaries of international protection? *(iii)* A mechanism to review employment legislation, practices, services and outcomes for beneficiaries of international protection in coordination with all relevant partners (government ministries, trade unions and other employee organisations, chambers and other employer organisations, regional and local authorities, NGOs)?
- m) Coordination with regional and local authorities on employment for beneficiaries of international protection: Does the national government coordinate with regional and local authorities and employment bodies to: *(i)* support them in assisting refugees to find employment (i.e. staff trainings, guidelines)? *(ii)* Provide means for programmes adequately addressing specific needs of refugees on the labour market (i.e. partnership with local employers, funding for additional expert staff, local qualification assessment programmes)?

- n) Partnership on employment with expert NGOs or non-profit employment support organisations: Does the state provide means for expert NGOs or non-profit employment support organisations to assist refugees to find employment?
- o) Acceptance rate for recognition of skills/qualifications: How many refugees in one year who applied have their skills/qualifications recognised?
- p) Satisfaction with recognition of skills/qualifications: What percent of refugees in one year who applied were satisfied that the procedure properly recognised their skills and qualifications?
- q) Satisfaction of refugees with their job and income: What percentage of refugees in one year were satisfied that their job matched their skills and qualifications? And that their salary met their basic needs?

Vocational training and employment related education are two most important sectors which help integration through better employment opportunities. MPG has created the following indicators to measure the level of success of countries in vocational training and employment related education.

- a) How many asylum seekers and refugees were enrolled in and completed mainstream or targeted vocational training or employment-related education in the last calendar year?
 - (i) Number of asylum seekers and refugees enrolled in mainstream vocational training and employment-related education;
 - (ii) Number of asylum seekers and refugees completed mainstream vocational training and employment-related education;
 - (iii) Number of asylum seekers and refugees enrolled in targeted vocational training and employment-related education;
 - (iv) Number of asylum seekers and refugees completed targeted vocational training and employment-related education
- b) Access to mainstream vocational training and employment-related education: Have the refugees legal right to equal treatment in vocational training and/or employment-related education?
 - (i) Refugees have the same access as nationals, without general conditions that they could not meet as newcomers;
 - (ii) Refugees have the same access as nationals, but with general conditions that they could not meet as newcomers;
 - (iii) Additional restrictions apply for refugees.
- c) Access to vocational training and employment-related education for groups of special concern: Must relevant law take into account the specific situation of vulnerable persons receiving international protection?
 - (i) This group is identified as a group, which needs special attention in the mainstream vocational and employment training and education system;
 - (ii) The availability of specifically targeted vocational and employment related programmes for beneficiaries of international protection is required by multiannual programmes and strategies.
- d) Accessibility to vocational training and other employment-related education measures: Does the State provide for the following measures?
 - (i) Measures targeted to increase the participation of refugees in such schemes. (i.e. scholarships, campaigns, orientation, support);
 - (ii) Measures to increase employers' supply in such targeted schemes (i.e. campaigns, guidance, support).
- e) Length of targeted vocational training and employment education: For how long can these groups benefit from state-funded support for vocational training and employment-related education?
- f) Mechanisms to mainstream the integration of refugees into vocational training and employment-related education policies: Has the ministry responsible for vocational

training and employment-related education? (i) Adopted a formal strategy involving all relevant partners (government ministries, trade unions, research institutions, and professional associations, NGOs) to facilitate the integration of refugees through vocational training? (ii) Adopted a mechanism to monitor vocational training policies and outcomes for refugees? (iii) Adopted a mechanism to review vocational training legislation, programmes, practices and outcomes for refugees in coordination with all relevant partners (government ministries, trade unions, research institutions, professional associations, NGOs).

- g) Coordination with regional and local employment authorities on vocational training and employment-related education: Does the national government coordinate with regional and local employment authorities to: (i) support them in providing orientation to beneficiaries of international protection to enrol in and complete vocational training/employment related education? (ii) provide additional means to build partnership with and encourage local employers to invest in the training of beneficiaries of international protection?
- h) Partnership on vocational training and employment-related education with expert NGOs and non-profit adult education organisations: Does the state provide means for expert NGOs and non-profit adult education organisations which help beneficiaries of international protection to receive adequate support for vocational education?
- i) Satisfaction with vocational training: What percent of beneficiaries of international protection in the last calendar year who were enrolled or have completed a vocational training or other related education were satisfied, it improved their skills?

2.3. Housing

Article 21, Housing

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

1951 Refugee Convention

Article 21 of the 1951 Refugee Convention intends to deal with the question of rent control and assignment of apartments and premises, as well as participation in home financing schemes. The obligation to respect this standard of treatment with regard to housing is imposed on the state, as well as on all other relevant public authorities, such as municipalities. According to one interpretation of Article 21, if housing functions entirely on the basis of private enterprise, the state does not have any obligation to pass laws specifically ensuring suitable housing for refugees. However, if housing is subject to regulations and the control of administrative authorities, it must ensure that these laws or regulations accord refugees the most favourable treatment possible, which should never fall below that granted to aliens generally. This provision therefore imposes a standard which goes beyond the negative duty not to discriminate against refugees.

2.3.1. Other Relevant International and Regional Instruments

In the event that this subject is dealt with by both the 1951 Refugee Convention and another applicable international agreement to which the same state is a party, the refugee should receive the treatment which is the most favourable. The ILO Convention concerning Migration for Employment (No. 97) of 1949, for example, contains a more generous standard and grants legal migrant workers (which may include refugees who beyond seeking protection also fit the definition of a migrant worker) equal treatment to that of nationals with regard to accommodation. This does not include equal treatment in access to home ownership and public financing schemes that may exist to facilitate it, however. This provision is to be implemented without discrimination based on nationality, race, religion or sex, and like Article 21 above, it is applicable to the extent that housing is subject to the control of administrative authorities or is regulated by law.

A further discrepancy between the 1949 ILO Convention and the 1951 Convention is that the later uses the broader term housing instead of accommodation, which can be interpreted as including participation in housing programs or schemes of various types (e.g., home financing schemes for actual construction) beyond simply access to a dwelling place.

Both the Universal Declaration on Human Rights and the International Covenant on Economic, Social, and Cultural Rights include a very similar provision, which specifically mentions the right of everyone, without discrimination, to an adequate standard of living, including adequate housing. The Covenant's monitoring Committee and the HRC may however permit states a certain amount of discretion to differentiate in favour of their own nationals, unless such differentiations are unreasonable.

CEDAW, which extends to all women, including recognized refugees, contains a provision, namely, Article 14, which grants rural women the right to adequate housing in the wider context of the right to adequate living conditions. In the case of children, article 27 of the Convention on the Rights of the Child (hereinafter CRC) requires the state to also provide adequate housing to children in need of material assistance.

At the European level, while the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter ECHR) does not contain a right to housing, both the Commission and the Court have considered the issue of housing in several cases. The Commission has maintained that public authorities are required to ensure that they do not impose intolerable living conditions on a person, and the Court has held that Article 1 of Protocol 1, regarding the peaceful enjoyment of possessions, does not preclude measures such as rent controls, which are intended to promote greater social justice. The Commission has also declared, however, that states do not have a legal duty to provide housing to their citizens.

The European Social Charter, incorporates through an Appendix the standards contained in the 1951 Refugee Convention as well as other international instrument applicable to refugees, and further states that Contracting States are to generally accord refugees treatment as favourable

as possible. If needed, refugees can therefore use the supervisory and complaint mechanisms of the Charter to enforce their rights under the 1951 Convention.

Access to immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration. It is also a basic principle that frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens. MPG Refugee Integration Tool therefore identifies the following indicators on housing as an effective integration condition:

- a) Share of asylum seekers living in an area with integration opportunities: Which share of the asylum seekers in one year are placed in a locality where they say that services are available and they see opportunities for their future?
- b) Free movement and choice of residence within the country: Can refugees freely choose the housing, city, and region where they want to live?
- c) Access to housing and housing benefits: Do refugees have the legal right to equal treatment in housing and housing benefits (which includes rent control/subsidies, public/social housing, and participation in housing financing schemes) or do they have to fulfil general conditions that they could not be expected to meet as newcomers (i.e. requirement for official registration or period of previous contribution or residency in locality)?
- d) Access to housing for vulnerable persons: To what extent is it required by law that housing policy and services take into account the specific situation of vulnerable persons receiving international protection?
- e) Access to property rights: Do refugees have the legal right to equal treatment in property rights (which includes the acquisition of property and real estate, revenue, sale, leases and contracts) or do they have to fulfil general conditions that they could not be expected to meet as newcomers (i.e. requirement for official registration, period of previous contribution, residency in locality)?
- f) Awareness for the situation of refugees on the housing market: Which measures are taken to raise awareness for the specific situation of beneficiaries of international protection on the housing market? (i) Public housing bodies regularly inform their staff on the entitlements and specific limitations of beneficiaries of international protection; (ii) Publicly financed campaigns sensitize landlords about the situation of refugees and target prejudices and perceptions among them.
- g) Targeted housing advice, counselling, representation: Is targeted housing advice, counselling and representation available for refugees by housing experts?
- h) Provision of targeted temporary housing support: Do refugees benefit from a targeted, temporary in-cash or in-kind housing support?
- i) Provision of targeted long-term housing support: Do refugees benefit from a targeted, long-term housing support?
- j) Period of targeted housing support: For how long can refugees benefit from targeted housing support?

- k) Housing quality assessment: Which of these criteria do authorities have to take into account when allocating in-kind housing assistance for this group? (i) Security of tenure; (ii) Affordability of housing; (iii) Accessibility of key services (including transport, schools, integration services); (iv) Adequacy of basic infrastructure of the accommodation (i.e. space, lighting, ventilation); (v) Availability of employment opportunities; (vi) Involvement of beneficiary him or herself (i.e. use of needs assessment or part of decision-making)
- l) Mechanisms to mainstream the integration of refugees into housing policies: Has the ministry responsible for housing: (i) Adopted a formal strategy involving all relevant partners (government ministries, regional and local authorities, NGOs) to facilitate the integration of refugees through housing? (ii) A mechanism to monitor the use of housing policies and services and the housing outcomes for beneficiaries of international protection? (iii) A mechanism to review housing legislation, practices, services and outcomes for beneficiaries of international protection in coordination with all relevant partners (government ministries, regional and local authorities, NGOs)? (iv) Coordination with regional and local authorities on housing for beneficiaries of international protection.
- m) Does the national government coordinate with regional and local authorities to: (i) support them that refugees live in areas with integration perspectives? (ii) provide means to adequately address housing needs of refugees?
- n) Partnership on housing with expert NGOs: Does the state provide means for expert NGOs to assist refugees to find accommodation?
- o) Share of refugees living in the area of their choice: How many refugees in one year are living in the locality, region where they want to live in the country?
- p) Number of refugees using targeted public accommodation: How many refugees used targeted public accommodation in one year?
- q) Length of the use of targeted public accommodation: How long on average do refugees use targeted public accommodation?
- r) Targeted in-cash housing benefits after status recognition: What is the average amount of in-cash support per month per beneficiary after status recognition?
- s) Housing security of refugees: How many refugees are living: (i) Homeless? (ii) Informally with friends, family, acquaintances etc.; (iii) In mainstream temporary public housing (e.g. emergency accommodation for persons threatened by homelessness, victims of domestic violence)? (iv) In mainstream long-term public housing (including housing associations)? (v) In long-term private housing with legal contract? (vi) In housing they own themselves?
- t) Satisfaction of refugees with housing: What percent are satisfied that their housing meets their basic needs, in terms of their employment opportunities, access to services, and family and community life, adequate basic infrastructure of the accommodation?

2.4. Education

2.4.1. Public Education

Article 22, Public Education

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

2. The Contracting States shall accord to refugees treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

1951 Refugee Convention

As suggested by the title of this provision, the intention was that this Article be applicable only to education provided by public authorities which is funded or subsidized by public funds, at the exclusion of private schools. Significantly, this provision makes no requirement regarding lawful residence, and simply applies to refugees without further conditions.

The importance attached to ensuring a basic elementary education to all children is demonstrated in the first paragraph of this article, which grants to refugees equality of treatment with nationals. This right is reaffirmed in the Executive Committee of the UNHCR (hereinafter EXCOM) Conclusion No. 47, which calls upon states to ensure that all refugee children benefit from primary education of a satisfactory quality, respectful of their cultural identity and oriented towards an understanding of the country of asylum.

The distinction between elementary and higher education is dependent on the definitions applied by each Contracting State. With respect to education beyond the elementary level, which includes general higher education as well as vocational training, Contracting States are to grant refugees as favourable treatment as possible according to the 1951 Refugee Convention. However, as this general statement lacks a measurable standard, a minimum obligation is imposed whereby refugees must receive at least the same treatment with regard to higher education as other foreigners in the same circumstances.

It is, of course, of the utmost importance that this provision be interpreted as applying to the children of refugees, as much as to the recognized refugees themselves. The mention of recognition of foreign certificates, diplomas and degrees in Article 22 of the 1951 Refugee Convention is solely intended for the purpose of admission to advanced studies, which requires a prior diploma, certificate or degree.

2.4.2. Other Relevant International and Regional Instruments

When compared to provisions in other relevant international and regional human rights instruments, and most notably the ICESCR, the CRC and the ECHR, the guarantees provided to refugees in the area of education by the 1951 Convention are relatively minimal. Recognized refugees and indeed non-nationals in general, are thus granted considerably more generous and better-defined education rights (both of a positive and non-interventionist nature) by virtue of these human rights instruments.

2.4.3. Primary Education

While the 1951 Refugee Convention simply grants refugees equal treatment to nationals with regard to primary education (whatever that may be), the ICESCR, CRC, and the Universal Declaration further specify that this substantive right should be free and compulsory for all, without discrimination. In particular, the Monitoring Committee of the ICESCR has strictly interpreted this obligation, stating that the charging of fees for primary education is contrary to this provision and cannot be deemed justifiable even for economic reasons. UNESCO's Convention Against Discrimination in Education also forbids any form of discrimination that impairs equality of treatment in education with regard to, *inter alia*, access to and quality of education of any type or level, and reiterates the principles relating to free and compulsory primary education.

In contrast to the international instruments just mentioned, the ECHR articulates the right to education narrowly and as a negative right. It states, in article 2 of Protocol 1 to the ECHR:

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

On the one hand, by adopting a negative formulation, i.e., the obligation of Contracting States not to deny anyone the right to education, the ECHR reaffirms the principle of non-discrimination in relation to access to existing educational institutions. However, it imposes no positive obligation on States Parties to establish or fund particular types or levels of education.

Another important component of the right to education that is included in all three instruments mentioned above relates to the obligation of State Parties to respect the religious, cultural, moral and philosophical convictions of the child and/or his parents. No such stipulation is included in the provision on education in the 1951 Refugee Convention, although its provision on freedom of religion does provide a lesser guarantee, namely, that states are to accord refugees treatment at least as favourable as that granted to nationals, including the right to the religious education of their children. The UNHCR EXCOM Conclusion No. 47 also recommends that the education of refugees respect their cultural identity.

In the ICESCR this right is formulated as an obligation upon states to respect the liberty of parents to choose schools for their children, other than those established by the public authorities (although they should conform to the minimum standards set out by the state), and to ensure the religious and moral education of their children in conformity with their own convictions. Similarly, article 29(1)(c) of the CRC requires that:

States Parties agree that the education of the child shall be directed to:

...

The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.

This provision is particularly relevant to refugees and aliens more generally. Commentators have concluded that in the case of child refugees, this implies a right to education about their own indigenous culture, as well as knowledge of their country of asylum.

The relevant provision in the ECHR focuses primarily on the obligation of the state to respect parental convictions in relation to their children's education, notably with respect to their religious and philosophical convictions. The European Commission as well as the Court have considered this provision in their law case. In the Danish Sex Education case, the Court interpreted it as requiring the state to respect parental convictions by prohibiting any form of indoctrination. Commentators have elaborated on this, stating that this provision also requires that in state schools positive measures be taken to respect this right, such as granting exemptions to students for certain subjects. The European Commission of Human Rights has also stated that the right to the establishment of private educational institutions can be a right inferred from article 2 of the Second Protocol, though it did not find that states have an obligation to fund such schools. Following the same line of reasoning, the Court found that the provision does not include the right to state-funded education in the language of one's choice.

Therefore, the provisions in the above-mentioned human rights instruments are wider in scope than those emerging from the 1951 Refugee Convention. For example, they include convictions other than of religious nature, and are more definitive with respect to the obligations of states insofar as they guarantee specific rights rather than simply a standard of treatment.

Provisions contained in other instruments, although of more marginal interest, also potentially provide certain guarantees in relation to the education of aliens and refugees. These include provisions in the following: ILO Conventions; the European Convention on the Legal Status of Migrant Workers; and in the Convention on the Elimination of Discrimination Against Women, which guarantees that women receive equal treatment with men in this field and provides for some substantive rights for women in rural areas.

2.4.4. Secondary and Higher Education

According to the 1951 Refugee Convention, refugees are to receive treatment as favourable as possible, but not less favourable than the one granted to aliens generally in the same circumstances. Thus, they are to benefit from any rights which are routinely extended to aliens but may not, on this basis, claim treatment which is reserved for preferred aliens, such as EU nationals.

By contrast the ICESCR and the CRC offer more specific guarantees to non-nationals by requiring, in working towards the progressive realization of this right, that states make secondary education generally available and accessible to every child, and that higher education be accessible to all on the basis of capacities. In the context of these two instruments, secondary education includes general, as well as technical and vocational education at that level. Article 13(2) (b) and (c) of the ICESCR read as follows:

The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

It is of particular note that unlike the right to primary education, the provisions pertaining to secondary and higher education in these two human rights instruments contain elements of progressive realization, which means that state obligations may be more flexible, especially with regard to certain requirements. Hence, the principle of non-discrimination with regard to access to education and secondary education in particular, is likely to be viewed as requiring immediate realization.

The provision on education in the ECHR stating that no person shall be denied the right to education does not specify a particular level of education and, therefore, must be read as guarantying non-discriminatory access to existing public educational institutions at all levels. The UNESCO Convention Against Discrimination in Education also forbids any form of discrimination that impairs equality of treatment in education with regard to, inter alia, access to and quality of education of any type or level. Furthermore, it upholds the same principles as contained in the CRC and the ICESCR, namely that secondary education is to be generally available and accessible to all, and higher education also equally accessible based on merit.

In fact, in all the above-mentioned instruments with the exception of the 1951 Refugee Convention, high education benefits from the same guarantees as secondary education with respect to access, which is to be based on the principle of non-discrimination. The distinction is that equal access to higher education requires more qualifications in that it is based on capacity or merit. The ICESCR also calls for the progressive realization of free high education. Potentially relevant provisions on high education in other instruments include: article 6(1)(a)(i) in the ILO 1949 Convention concerning Migration for Employment (No. 97), granting migrant workers national treatment in apprenticeship and vocational training; CEDAW, whose provisions on education strive to guarantee women equal access to education as men; and provisions in the European Social Charter, as well as the European Convention on the Legal Status of Migrant Workers, which refer to vocational training.

Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants of society. MPG Refugee Integration Tool therefore identifies the following indicators on education:

a) Enrolment in education of refugee children and youth: How many minor asylum seekers and children and youth under international protection were enrolled in education in the last calendar year? (i) In pre-school education; (ii) In primary education; (iii) In lower secondary education; (iv) In upper secondary education; (v) In tertiary

b) Average time between an asylum application and the enrolment of children in primary/secondary education/preparatory educational programmes: How long does it take for a children of asylum seekers to be enrolled in school?

c) Access to education: do the refugee children and youth have the legal right to equal treatment in education? (i) The refugees have the same access as nationals, aside general conditions that they could not meet as newcomers; (ii) The refugees have the same access as nationals, but with general conditions that they could not meet as newcomers; (iii) Additional restrictions apply for this group.

d) Access to education for groups of special concern: Does education related law take into account the specific situation of vulnerable refugees?

e) Placement in the compulsory school system: How are the children of refugees placed in the school system? (i) The state provides nation-wide criteria to assess their level of education and prior learning; (ii) The state provides assessments with appropriate translation or in the first language of the child; (iii) The state provides guidelines for assessments where documentary evidence from the country of origin is unavailable (i.e. level of education, skills, needs); (iv) The state provides measures to avoid that children have to change their place of schooling during the asylum procedure; (v) The state provides a mechanism to monitor the placement of these children in "special needs" schools (i.e. those intended for children with learning disabilities).

f) Length of language support: For how long can children of refugees benefit from state-funded support for learning the host language? (e.g. in preparation/induction classes, as additional hours in the mainstream classroom or in extracurricular formats)

g) Regularity of orientation and language programmes and targeted education measures: Are orientation and language programmes and targeted educational measures offered in a systematic manner? Do they receive systematic funding?

h) Mechanisms to mainstream the integration of children and youth under international protection into education policies: Has the ministry responsible for education: (i) adopted a formal strategy involving all relevant partners (government ministries, education bodies, research institutions, and professional associations, NGOs) to facilitate the integration of refugees through education?; (ii) a mechanism to monitor education policies and outcomes for refugee children and youth? (iii) a mechanism to review education legislation, programmes, practices and outcomes for refugee children and youth in coordination with all relevant partners

(government ministries, education bodies, research institutions, professional associations, NGOs)?

i) Coordination with regional and/or local education authorities and school boards on education for refugee children and youth: Does the national government coordinate with regional education authorities and school boards to: (i) support them in dealing with the education needs of refugee children and youth under international protection (i.e. guidelines, trainings); (ii) provide additional means to adequately address education needs of children and youth under international protection?

j) Partnership on education with expert NGOs: Does the state provide means for expert NGOs which help refugee children and youth to receive adequate education support?

k) Participation in targeted education: How many minor asylum seekers and refugee children and youth participated in targeted education in one year? (i) In one-time school orientation programmes; (ii) In support measures for learning the host language; (iii) In educational support measures for unaccompanied minors; (iv) In educational support measures for victims of violence, torture, abuse, other forms of trauma; (v) In educational support measures for minors arriving above the age of compulsory schooling.

l) Satisfaction with targeted education support: What percentage of refugees and their children in compulsory education were satisfied with the targeted support received in compulsory education?

m) Enrolment in post-secondary and tertiary education: What percent of adult refugees are enrolled in one year or have completed post-secondary or tertiary education?

2.5. Public Relief and Healthcare

Article 23, Public Relief

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

1951 Refugee Convention

This mandatory provision seeks to ensure that recognized refugees are entitled to benefit from the national social assistance and welfare schemes enjoyed by nationals, even if they do not meet any of the conditions of local residence or affiliation which may be required of nationals. Such a provision is all the more important in light of the fact that the 1951 Convention allows for certain restrictive conditions regarding gainful employment by refugees.

This Article includes, inter alia, relief and assistance to persons in need due to illness, age, physical or mental impairment, or other circumstances, as well as medical care. Thus, refugees without sufficient resources are equally entitled of the same conditions as nationals to social and medical assistance. The channels of distribution for such benefits may differ for refugees, as long as they receive the same benefits on the same terms as nationals. As the Convention

does not contain a definition of public relief and assistance, the level of assistance that refugees, and indeed all beneficiaries, receive will depend on the situation of each Contracting State.

In some states, unemployment benefits are provided from the national social security scheme, while in others they are dispensed from the public relief scheme. It is generally assumed that article 23 does cover the situation of unemployment as part of its relief mandate in those cases where unemployment benefits are not covered by insurance. Moreover, the Convention precludes any possible difficulty in delimiting between public relief and social security by providing for the same treatment in both cases, thus effectively avoiding this problem.

While in the 1951 Refugee Convention the high standard of treatment granted to recognized refugees with regard to public relief and social security, these rights are also recognized in a number of international and regional human rights instruments. Some of them offer the important advantage of supervisory mechanisms which can either serve to enforce these rights or better define them. Instruments which impose on Contracting States the obligation of progressive realization, and which stipulate specific requirements in relation to the content of these rights, are of course also useful to promote the general advancement of these rights.

Article 25 of the Universal Declaration of Human Rights states that everyone has the right to a standard of living adequate for his/her health and well-being including the basics of life, medical care and social services, in the event of lack of livelihood due to unemployment, sickness, disability, widowhood, old age, or other circumstances beyond his control. Similarly, the Covenant on Economic, Social and Cultural Rights, stipulates the right of everyone to an adequate standard of living, mentioning adequate food, clothing and housing in particular. Yet, despite imposing an obligation on Contracting States to ensure the subsistence of those who cannot do so on their own, no definition or formula for measuring what constitutes an adequate standard of living is offered.

More specifically with regard to health, Article 12 of the above-mentioned Covenant recognizes the right of everyone to the highest attainable standard of physical and mental health, which includes medical services and attention. The right to life contained in Article 6 of the International Covenant on Civil and Political Rights has also been interpreted by the HRC as imposing an obligation on states to take positive measures, such as to eliminate malnutrition and reduce infant mortality.

In addition to the fact that the personal scope of the human rights instruments mentioned above extends to everyone and is not limited to nationals, these instruments also include a non-discrimination provision. They stipulate that the rights in these instruments are to be exercised without discrimination or distinction of any kind, including national or social origin or any other status, though there is no consensus on this issue.

Notwithstanding, Article 23 of the 1951 Refugee Convention grants refugees the most definitive guarantee and highest standard, since the requirement to grant refugees the right to state social assistance equivalent to the treatment given to nationals is subject to immediate and unqualified realization, with no possibility of invoking differentiating treatment.

The Convention on the Elimination of Discrimination Against Women which applies to women without any distinctions, and therefore benefits refugee women, grants them both substantive rights and the right against discrimination in the area of social assistance, adequate living conditions, and equality in access to health facilities.

The Convention on the Rights of the Child, which also applies to all children without distinction, requires that the state ensures, to the extent possible, the child's survival and development. This international treaty also protects the right of the child to an adequate standard of living, which includes the mental, spiritual, moral and social aspects of his or her development. While, according to Article 27, parents have primary responsibility for the child's development, States Parties must also take appropriate measures to assist parents in this task and, in case of need, are required to provide material assistance, especially with respect to basic needs such as housing, food and clothing.

Article 24 of the same Convention guarantees access to healthcare services for the treatment of illness and for rehabilitation. It emphasises on the development of primary healthcare, information and preventive health services, combating diseases and malnutrition, and actions to abolish traditional practices such as female genital mutilation, which are prejudicial to the health of children.

At the European level, the European Convention on Social and Medical Assistance defends equality of treatment between nationals of a host country and nationals of other Contracting Parties, on the condition that they are lawfully present and lack sufficient resources. Refugees recognized under the 1951 Refugee Convention benefit from this protection by virtue of a Protocol to this Convention. Hence recognized refugees who are resident in a Contracting State, are entitled to receive a national treatment with respect to social security in any other Contracting State.

By contrast, the rights granted under the European Social Charter, including Article 13, which grants the right to social and medical assistance on a reciprocal basis, are only of marginal relevance to refugees as they only extend to those who are nationals of a Contracting State, which very few are likely to be. Indeed, the true relevance of the Charter for refugees lies elsewhere, namely in the fact that its Appendix titled Scope of the Social Charter in terms of Persons Protected also imposes on Contracting States the obligation to grant refugees the same standards of treatment as required by the 1951 Refugee Convention. As a consequence, this Appendix incorporates into the Charter all economic, social and cultural rights of refugees contained in the 1951 Convention, and therefore allows refugees to benefit from the Charter's supervisory mechanisms in order to enforce these rights.

Refugees also benefit from the guarantees provided under the ECHR, as this Convention is applicable to everyone within the jurisdiction of States Parties. While the ECHR and its Protocols do not contain any provisions directly related to public relief, certain precedents do impact on these rights. One of such precedent is a ruling by the Court of Human Rights, whose decisions are binding: the Court decided that the right to a fair trial within the ECHR includes social security and even social assistance rights, when these are protected as statutory rights at

the domestic level. It thus provides a safeguard against possible discrimination and arbitrariness in the allocation of such benefits.

2.6. Social Security and Labour Legislation

Article 24, Labour Legislation and Social Security

1. The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on homework, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

(b) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national law or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

3. The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. The Contracting States will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

1951 Refugee Convention

This Article deals with official employment regulations and social security, and requires that refugees receive equal treatment as nationals'. As seen from the enumerated items in Article 1(a) and (b) above, employment regulations in this provision refer not to the right to

employment as such, but rather to the basic labour rights of legally employed workers. Likewise, social security in the sense of the 1951 Convention does not refer to a purely needs-based welfare assistance granted to destitute persons, but rather to state benefits such as unemployment, old-age, or disability benefits, which are covered by social security systems. Many of these (though not all), are actually based on contribution schemes rather than being drawn from public funds raised via tax revenues.

ILO Conventions on the rights of migrant workers are another source of protection in the area of social security for refugees. These include the 1949 Convention Concerning Migration for Employment and the later Convention of 1975 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers. The latter expands on the former by requiring that beyond national treatment for migrant workers, Contracting States must also pursue a national policy that promotes and guarantees equality of opportunity and treatment with regard to social security, trade unions and employment. Moreover, even though the 1949 Convention defines social security narrowly as referring to contributory schemes, the latter requires that migrant workers benefit from equal treatment as nationals, even with regard to non-contributory types of social security. Both Conventions define a migrant worker as a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment. Refugees meeting this definition can therefore also benefit from the provisions in these Conventions.

The Universal Declaration of Human Rights, whose provisions apply to everyone without distinction, provides for the right of everyone to social security, public relief, just and favourable working conditions and the right to form or join a trade union.

The International Covenant on Economic, Social and Cultural Rights, contains similar provisions relating to the right to just and favourable working conditions and the right of everyone to social security, including social insurance.

Vulnerable persons, especially women and children, are subject to special protection in both International Labour Instruments as well as domestic legislation, and they are granted special attention, in particular, with respect to social security. The CRC thus requires States Parties to recognize and to take measures to achieve the full realization of the child's right to social security, in accordance with their domestic legislation though, unfortunately, no minimum standards for such benefits are offered.

Article 11(1)(e) of the Convention on the Elimination of Discrimination against Women requires States to ensure that women enjoy the same right to (employment related) social security as men, especially with respect to benefits connected to retirement, unemployment, sickness, invalidity, old-age, and other circumstances rendering them incapable of working, as well as paid leave. Article 13 further endeavours to ensure women an equal right to social security independent to employment, such as access to family benefits, other types of financial assistance, for instance, in the form of bank loans, and participation in recreational and cultural life. Rural women are specifically granted special attention and protected against discrimination in relation to social security programs available through the state, though these are not defined.

The European Convention on Social Security supports the principle of equality between nationals of States Parties. This Convention also extends its coverage to refugees recognized under the 1951 Refugee Convention who have been subject to the legislation and reside in the territory of a Contracting Party, as well as to their families and survivors. It deals with the following areas of social security: unemployment benefits, sickness, invalidity and maternity benefits, old-age and survivor s benefits, death grants, and family benefits. Moreover, it applies to all general social security schemes, and to special schemes, whether they are contributory or non-contributory.

The ECHR and its Protocols do not contain any provisions directly related to social security as such, but they have resulted in precedents that affect these rights. The relevant precedents include a decision, *Gaygusuz v. Austria*, confirming the rights of non-nationals to non-discrimination in relation to the right to peaceful enjoyment of possessions, i.e., social security benefits.

2.7. Family Unity and Reunification

The issue of family life is key to the process of successful integration of refugees in their new society. The adoption by asylum countries of open policies and adequate legal provisions and procedures, which protect both the unity of the refugee family with family members already in the country of asylum, and allow the possibility of family reunification in the case of refugee families who are still separated, is therefore an integral part of the integration assistance that states should offer to recognized refugees.

The 1951 Refugee Convention itself does not include any specific provision defending either form of protection to refugee families, neither do any international or regional human rights instrument specifically recognize family reunification as a right. However, some of these instruments do contain a provision protecting the more general right to a family life, which is used to indirectly support claims for family reunification, and thereby becomes the basis for the authorization to family members to enter and reside in the host country. The law case related to Article 8 of the European Convention on Human Rights, which guarantees the right to freedom from interference in family life, has been especially successful in this respect. Based on this provision, the European Court on Human Rights, with its substantial case law on the topic, has gradually fleshed out the meaning and scope of the principle of family reunification, as well as the more general right to family life. It is of the utmost importance that, like the ECHR, provisions related to the protection of family in other international human rights instruments are equally applicable to resident aliens.

In addition to these instruments, several EXCOM Conclusions and other recommendations have been adopted, which pertain directly to the issue of reunification and family unity for refugees. These often address particular related problems and define the essential elements of these principles. EXCOM Conclusions No. 9 and 24 are two sources of soft law on this matter.

In particular, EXCOM Conclusion No. 24 makes several important recommendations for dealing with problems impeding the reunification of separated refugee families, including the following: Contracting States should exercise flexibility with respect to requirements of documentary proof of validity of marriage or the filiation of children; they should make every effort to trace the parents or other relatives of unaccompanied minors before and after their resettlement; States should grant close family members joining the recognized refugee the same legal status and facilities in order to encourage the rapid integration of refugee families in their country of asylum; and finally, they should provide special measures of assistance, when appropriate, to the head of the family in order to prevent economic and housing problems that may impede or delay permission for the family members to join the refugee in the country of asylum. It makes further recommendations regarding the granting of exit visas by the country of origin, and the application of liberal criteria for the identification of family members who may be admitted into the country of asylum so that receiving countries may promote a comprehensive family reunification.

The earlier EXCOM Conclusion No. 9 reiterates the fundamental importance of the principle of family reunification, and reaffirms the coordinating role of UNHCR with governments, as well as intergovernmental and non-governmental organizations.

UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status (hereinafter the Handbook) provides itself important doctrinal support and guidance on this matter. In particular, the Handbook explicitly states that while the minimum requirement is that spouses and minor children benefit from the principle of family unity and be granted refugee status on this basis, other dependants who are living with the recognized refugee, such as aged parents, should normally also be considered.

The Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, and the United Nations Convention on the Rights of the Child are amongst the various international human rights instruments containing provisions protecting the family unit.

In addition to a provision for special protection to refugee children, the UN Convention on the Rights of the Child also grants the child protection to his or her family life. Indeed, article 9 stipulates that a child shall not be separated from his parents against his will, unless this separation has been appropriately determined to be necessary for the best interests of the child.

Regional human rights instruments offer another important source of protection of family life. Most notably, Article 8 of the ECHR stipulates that:

1. Everyone has a right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals, or for the protection of the rights and freedoms of others.

MPG Refugee Integration Tool identifies the following indicators on family reunification:

- a) Family unity and legal status of family members: If family members are with a refugee but do not individually qualify for protection, who can receive a comparable legal status and benefits (derivative status), under the principle of family unity? (i) A spouse or partner (where partnership recognised in national law); (ii) Minor children; (iii) Close relatives who are wholly or mainly dependent on the beneficiary.
- b) Definition of family unit for family reunification: If the family is separated from the refugee, which family members are eligible to join the sponsor under family reunification? (i) Minor children and spouse/partner (where partnership recognised in national law); (ii) Dependents who are adult children or members of the ascending line (i.e. parents or grandparents); (iii) Other categories of dependents
- c) Residency requirement: How long refugees need to reside in the country to be able to apply for family reunion?
- d) Economic resource requirement: Is there an economic resource requirement for this group's family reunification (i.e. income, employment)?
- e) Housing requirement: Is there a housing requirement for this group's family reunification?
- f) Health insurance requirement: Is there a health insurance requirement for this group's family reunification?
- g) Language assessment: Is there a language assessment requirement for this group's family reunification?
- h) 'Integration' assessment: Is there an 'integration' assessment requirement for this group's family reunification?
- i) Time limit for facilitated requirements: From the moment of their recognition how long can refugees enjoy facilitated requirements for family reunification?
- j) Documents from country of origin: Does the law provide for; (i) Exemptions from the documentation requirement in defined circumstances (i.e. certain categories or countries of origin); (ii) Alternative methods where documents are not available.
- k) DNA/age tests to verify family links: Is there an obligatory DNA/age test requirement?
- l) Facilitated conditions for vulnerable persons applying for family reunification: Do vulnerable groups of refugees benefit from facilitated conditions for applying to family reunification, compared to ordinary refugees?
- m) Expedited length of procedure: Is there a legal limit to the length of the family reunification procedure?
- n) Average duration of family reunification procedures: What is the average duration of family reunification and tracing procedures?

- o) Amount of fees and costs: What are the average fees and costs for family reunification?
- p) Tracing services: Do refugees have access to family tracing services?
- q) Use of family tracing: How many refugees who used a family tracing service in one year are able to identify family member(s)?
- r) Travel/family assistance budgets for family reunification: The annual budget actually spent by the state in one year on travel assistance and support for family reunion (e.g. providing DNA test for free) (converted into euros)
- s) Status of family members: Does the permit for family members entitle them to the same legal status as their sponsor?
- t) Autonomous residence permit for family members: How long must family members wait to obtain a residence permit which is autonomous of their sponsor?
- u) Access to services for family members: Do family members of refugees have the same access like their sponsor.
- v) Acceptance rate for family reunification: How many are reunited with their family?

2.8. Identity Papers and Convention Travel Documents

Article 27, Identity Papers

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

1951 Refugee Convention

In contrast to other articles of the 1951 Convention, Article 27 is applicable to any refugee in their territory indicating that a refugee's presence in a country need not be legal in order for him to have the right to an identity paper. The issuance of an identity paper does not obligate the state to keep the refugee within its borders. Unlike travel documents, the identity papers provided for in Article 27 do not confer any rights to the bearer but serve simply to show the identity of the refugee. The intent behind this provision being that any refugee, whether staying legally or illegally in a country, should hold at the very least a provisional document stating his identity, in case he is requested to produce it by the police, for example, or for any other purpose. Such identity papers simply enable the refugee to conform to laws and regulations that may require inhabitants of a country to carry such papers, or to prove their identity in certain circumstances.

Moreover, the Convention does not require that the identity papers assume any particular form or serve any purpose other than simply establishing the identity of the refugee. Thus, in countries not having a practice of identification papers, a driving license, immigrant's record of

landing or even a postal identity card may suffice, rendering a separate identification card unnecessary.

In many countries, such papers also serve as residence permits or proof of one's legal residency status in the country. They are therefore more formal and serve a wider purpose than the basic identification papers required by the 1951 Convention, which are not intended to confer any right of residence or other legal entitlements.

The obligation to issue the identification papers described in Article 27 is imperative where the refugee does not possess a valid travel document. The term 'travel documents' used in this provision has a much wider meaning than only the definition provided in the 1951 Convention. It includes the following: an alien's passport if it contains the required visa; another valid travel document issued by the authorities of the state in which the refugee is present, or another foreign state; or even a travel document issued to a refugee under previous international agreements by parties to the 1951 Convention.

In contrast to Article 27 of the 1951 Refugee Convention, many countries do confer a greater and more substantive role to identity cards. In many countries, citizens and foreigners are generally required to carry identity papers, which are necessary for a number of purposes in everyday life, thereby imposing an absolute obligation on Contracting States to issue these documents to refugees. As importantly, identity cards in these countries also serve as proof of the bearer's legal residency status and his entitlements and rights under the law, such as the right of access to employment and to social assistance benefits. They may in addition include the bearer social security number, essential for the exercising of the above-mentioned rights. Given this double function, we refer to them as identity/residency cards.

In a context where identity cards also function as legal residency cards which must be produced as proof when exercising a number of basic rights, situations in which refugees experience difficulties in obtaining such cards in a timely manner must be treated as a serious matter going beyond the inability to simply ascertain the identity of the person.

2.8.1. Travel Documents

The first obligation of States Parties under the first sentence of Article 28 of the 1951 Refugee Convention is to issue a travel document to every refugee lawfully staying in their territory who wishes to travel abroad. This obligation is subject to an exception, namely, if compelling reasons of national security or public order require that it not be issued. In practice, this exception means that states may prevent the departure of a refugee from their country by refusing to issue him a travel document (without which one would normally not be able to leave a country), if this refusal is based on grounds of national security or public order. However, such exceptions must be exercised only for compelling reasons of national security and public order, which must be understood as defining the degree of seriousness necessary to justify such a refusal. Only very serious cases involving national security and public order may be subject to the exception.

The second sentence of Article 28 contains not an obligation, but rather an authorization to issue travel documents to other refugees on their territory, i.e. to refugees who are there illegally or temporarily. For such refugees, the decision regarding the issue of a travel document is left to the discretion of each state. Nonetheless, there is a special mention for refugees who are in need of a travel document but are unable to obtain one from the country of their lawful residence, suggesting that sympathetic consideration be given to such cases.

Paragraph two widens the scope of Article 28 to include travel documents issued to refugees under previous international agreements by Parties to the 1951 Convention. The purpose of this provision was to avoid having to replace all the old travel documents already issued. As an alternative to this, States Parties therefore have an obligation to recognize and treat these travel documents in the same manner as if they had been issued under Article 28.

Several EXCOM Conclusions reaffirm the importance of travel documents for refugees who wish to travel temporarily outside their country of residence or for resettlement in other countries, and encourage Contracting Parties to abide by Article 28.

Part III

Best Practices

1. Germany's Integration Policy

Germany's integration policy has adopted European Union's common principle into its national framework for integration. For instance, similar to EU's integration definition, Germany defines integration as a dynamic two-way process, mean both citizens and immigrants have to work together to establish mutual understanding. Germany's National Integration Plan has working groups including national, state and local officials, representatives from Muslim communities, from Jewish organizations, academic experts, among others. Germany's integration agenda requires immigrants to complete 30 hours of civics lesson about Germany's governmental system, history, culture and regulations. It represents liberal, democratic and secular values of the EU.

With the mass flow of refugees to Germany in 2015, Germany's coalition government has agreed on a new "Integration Law" on May 25, 2016, which aimed at regulating the rights and responsibilities of asylum seekers in Germany. The main focus of this law is to encourage refugees to learn enough German to be able to find a job and help pay for their living expenses.⁵ According to the new Integration Law, the government becomes an active participant in the integration process. This law includes integration courses, language courses, work programs, labour laws, preventing ghettos and permanent residency. Integration courses comprise courses for asylum seekers on German culture, society and values. If asylum seekers refuse to attend these courses, their social welfare benefits will be cut. German language courses are available to asylum seekers six weeks after arriving in Germany, regardless of whether their asylum applications have been processed or not. With this obligation, Germany aims to make all refugees seeking permanent residency proficient in German. Refugees who are proficient in German and survive on their own can apply for permanent residency after five years and refugees who have exceptional German skills can apply for permanent residency after three years according to the new integration law. It is crucial to state that the law applies to only legitimate asylum seekers, not to labour migrants from various countries.

The Integration law also offers job opportunities to asylum seekers. According to it, the government will create 100,000 low-wage jobs paying around one euro an hour; if refugees

⁵ SOEREN KERN (2016) 'GERMANY'S NEW "INTEGRATION LAW"', 29 MAY 2016, [HTTPS://WWW.GATESTONEINSTITUTE.ORG/8145/GERMANY-INTEGRATION-LAW](https://www.gatestoneinstitute.org/8145/germany-integration-law)

refuse to work their social benefits will be cut. Another aspect of the new law is “labour laws” that allow German companies to hire refugees even if better qualified German or EU citizens are available for an advertised position.⁶ The new law also authorises regional governments to determine where refugees should live to prevent refugees to settle in ghettos. More than 1.1 million asylum-seeker arrived in Germany in 2015 and a total of 222,264 asylum-seekers arrived in Germany in the first half of 2016.⁷

According to a study called “Asylum applicants: Social structure, qualifications and employability” conducted by Germany’s Federal Service for Migration and Refugees (BAMF), nearly two-thirds of all refugees who entered Germany in 2015 (about 1.1 million) are 33 years old and mostly come from Afghanistan, Eritrea, Pakistan, Iraq and Syria. In average, 18 percent of asylum applicants hold a university degree (27 percent of Syrians and 35 percent of Iranians), 20 percent have attended a high school, approximately one-third a secondary school and 22 percent a primary school.⁸

The integration of new comers has gained a wider importance, as the federal government announced plans to massively expand the integration program. In order to increase the number of teachers running the German language courses for the new comers, wages paid to teachers of these courses were raised on July 1, 2016.⁹ Concerning access to the labour market, according to the Federal Labour Office, 322,000 refugees were registered as seeking employment in July 2016; of the 322,000 registered refugees, 141,000 were unemployed.¹⁰

⁶ IBID.

⁷ “Asylum seekers must take language and integration courses under new German Laws”, The Telegraph, 8 July 2016, <http://www.telegraph.co.uk/news/2016/07/08/asylum-seekers-must-take-language-and-integration-courses-under/>

⁸ “Most refugees are young males lacking qualifications- German migration service”, RT Questions More, 20 May 2016, <https://www.rt.com/news/343753-germany-refugees-males-statistics/>

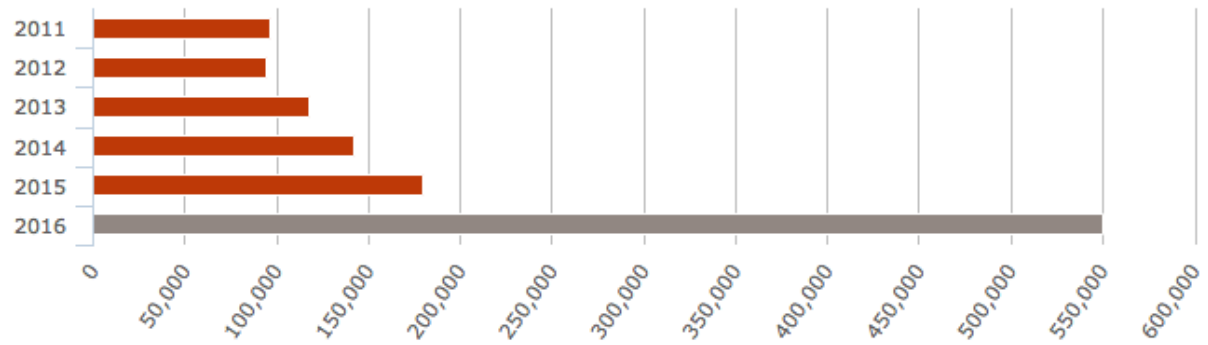
⁹ Philipp Wittrock (2016) “Taking stock one year after refugees’ arrival”, Spiegel Online, 2 September 2016, <http://www.spiegel.de/international/europe/taking-stock-one-year-after-the-arrival-of-refugees-in-germany-a-1110654.html>

¹⁰ Ibid.

Figure 1

How many people are participating in integration courses?

The number of new course participants from 2011 to 2015; forecast for 2016



Source: BAMF

Table 1 Germany's Division of Integration-Related Tasks across Governance Levels and Areas

	General Integration	Labor Market Integration	Educational Integration (incl. Qualification Recognition)
Federal	Interior Ministry (BMI) and its Office for Migration and Refugees (BAMF); Chancellery Integration Commissioner; and Chancellery Refugee Coordinator	Labor Ministry (BMAS)	Education Ministry (BMBF) and its Federal Institute for Vocational and Professional Education (BIBB)
Länder	Immigration and integration ministries and/or designated contact points (varies by <i>Land</i>)	Labor and employment ministries of the <i>Länder</i>	<i>Länder</i> -level ministries, school authorities, and IQ network coordinators (governmental and nongovernmental), and qualification recognition bodies (such as approbation offices)
Local	Integration commissioners or contact points in mayors' offices (varies by community, county, and city)	Local employment agency branches (BAs) and job centers	Contact points in charge of schools and vocational training
Nongovernmental actors	Associations (<i>Vereine</i>), churches and religious groups, civil society, and volunteer workers (<i>Ehrenamtler</i>)	Employers and employer associations	Language course and other education providers, and qualification recognition bodies such as chambers

Source: Compiled by the author from various sources, including interviews conducted in Germany in April 2016.

2. United Kingdom's Integration Policy

The United Kingdom's approach to integration has changed since the 1990s and asylum seekers' obligations, including a language examination and citizenship test, were introduced in 2004. Integration of refugees has been an important aspect of a formal immigrant integration policy for the United Kingdom. Since 200, refugee integration policy has aimed to raise refugees' awareness of and adjustment to British societal norms and values.¹¹

¹¹ Shamit Saggar and Will Somerville (2012) "Building a British Model of Integration in an era of Immigration: Policy Lessons for Government", Migration Policy Institute, <http://www.migrationpolicy.org/sites/default/files/publications/UK-countrystudy.pdf>

For the last six years, the UK government has been working on bringing down net migration, while cutting aid to the integration of migrants and establishing a migrant selection of foreigners entering the UK. Access to the labour market, family reunification and access to health services have become very limited for asylum seekers for the last six years. For instance, international students are no longer allowed to work after they complete their degrees and family reunification has been very difficult for many migrants. Those who apply for citizenship have to pass a test that is found hard to pass even for many Brits, and they have to pay almost £1000 for the application.

The UK has no clear refugee integration strategy and associated responsibilities are scattered among public offices: the Home Office leads refugee resettlement programmes and manages the asylum system; community cohesion is led by the Department for Communities and Local Government; English language learning and access to higher education and adult skills training sits within the Department for Education; and policies relevant to job market integration and benefits allocation are led by the Department for Work and Pensions.¹²

According to the latest edition of the Integration Policy Index (MIPEX) report of 2015, UK's integration policy introduced by the last coalition Government made access citizenship more restricted, as well as on anti-discrimination, family reunion, migrant workers' rights and the education of migrant children matters. UK ranked 15th out of 38 countries. Migrant patients have limited entitlements and access to some of the health services and policies of the UK, as they need to pay a NHS health surcharge. Labour migrants find difficulties to settle permanently and become a UK citizen due to settlement pattern that are more demanding and expensive compared to other countries. Due to the recent cuts on language support, individual communities and schools may find it difficult to respond to the needs of migrants. According to the 2015 MIPEX report, the process to obtain citizenship is becoming more difficult because of application high costs and "good character" requirements, added to an increasingly difficult "Life in the UK" test according to the 2015 MIPEX's report¹³.

As stated on the Refugee Action report, refugees resettled to the UK under the Gateway Protection Programme and the Syrian Vulnerable Persons Resettlement Scheme (VPRS) are entitled to various forms of integration support, even though they are not statutorily guaranteed to asylum route refugees. As of the end of September 2016, Refugee Action is working with 14 local authorities, providing reception and integration support to resettled refugees on both the Syrian VPRS and Gateway.¹⁴ The recent integration support to newcomers includes a caseworker for a period of up to 12 months, which provides a tailored integration package with the aim of helping migrants to live independently and access mainstream services, facilitate their registration to health services, English language courses and education for their children,

¹² Refugee Action response to APPG on refugees- Refugees Welcome Inquiry, September 2016, <http://refugee-action.org.uk/wp-content/uploads/2016/11/Refugee-Action-response-to-APPG-on-refugees-Refugees-Welcome-Inquiry-Sept-16.pdf>

¹³ MIPEX Integration Policy Index- UK, <http://www.mipex.eu/united-kingdom>

¹⁴ Refugee Action response to APPG on refugees- Refugees Welcome Inquiry, September 2016, <http://refugee-action.org.uk/wp-content/uploads/2016/11/Refugee-Action-response-to-APPG-on-refugees-Refugees-Welcome-Inquiry-Sept-16.pdf>

as well as providing translation and interpreter support, housing upon arrival and housing support for one year.¹⁵ Learning the English language is central for the integration of refugees. The coalition government's policy 'English for Speakers of Other Languages' (ESOL) was published in 2010. ESOL is identified as the means by which those who cannot speak English can "gain employment and contribute to society".¹⁶ In September 2016, the Home Office announced an additional £2m a year for five years (jointly funded with DfE) to provide additional ESOL support for resettled Syrian refugees.¹⁷ In addition to formal ESOL, charities and faith groups provide volunteer-led English lessons and more informal support.¹⁸

The UK has adopted its integration policy to new comers from 2015 to 2016. According to Home Office statistics, asylum applications in the UK from main applicants increased by 14% to 33,380 (including dependents, this number increases to 41,280) during September 2015 to September 2016.¹⁹ During the same period of time, the largest number of applications for asylum came from nationals of Iran (4,822), followed by Iraq (3,127), Pakistan (2,937), Afghanistan (2,567), Syria (2,102) and Bangladesh (1,927).²⁰ Most applications for asylum are made by people already in the country (89% of applications in that period of time) rather than immediately upon arrival in the UK at a port.²¹ Including dependants, the UK had the sixth highest number (41,000) of asylum applications within the EU in the year ending September 2016. Germany (781,000), Sweden (112,000) and Italy (108,000) were the three EU countries that received the highest number of asylum applications.²²

3. France's Integration Policy

France is one of Europe's oldest countries of immigration, with around 1/4 of immigrant background including a large 2nd generation and average-sized foreign-born population. According to the latest edition of the Integration Policy Index's (MIPEX) report of 2015, 2/3 of France's foreign-born are from outside the EU and 90% of them are from low-or-medium-developed countries; non-EU-born are mostly low (40%) or medium (31%) educated, although they had a 5% increase in their share of university-educated people in recent years. 2012 presidential and legislative elections saw socialist and left-wing government replace right-wing parties, despite an increasing share of votes of the far-right populist National Front party. Yet,

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Home Office, 7 September 2016. [online] Available at: <https://www.gov.uk/government/news/firstanniversary-of-government-commitment-to-resettle-20000-syrian-refugees>

¹⁸ Refugee Action response to APPG on refugees- Refugees Welcome Inquiry, September 2016, <http://refugee-action.org.uk/wp-content/uploads/2016/11/Refugee-Action-response-to-APPG-on-refugees-Refugees-Welcome-Inquiry-Sept-16.pdf>

¹⁹ Home Office, 1 December 2016, [online] Available at: <https://www.gov.uk/government/publications/immigration-statistics-july-to-september-2016/asylum>

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

a sizeable minority of citizens hold anti-immigrant attitudes in France, as the average of European countries.²³

The term 'integration' has gained a major importance in the discussion over France's immigration model. According to Marchese (2015), in practice, the term is problematic given that, for instance, there is no true standard by which politicians can rate the success of their 'integration' policies. Furthermore, second-generation Arabs reject 'integration' as they think that being integrated to the society does not make them full members of it. Discrimination is another barrier for their integration to French society, which prevents many of them to access jobs and social services that would help them to 'integrate'.²⁴

MIPEX 2015 France's report highlights that little has changed in France's integration policies between the previous conservative governments to the current socialist government.²⁵ According to this report, since 2012, newcomers should benefit from equal housing rights, better targeted education support for their children, the right to family reunion for LGBT married couples, clearer requirements for French citizenship and greater commitments to promote equality through the public service asylum seekers and refugees. However, the new government has yet to deliver on its promises of greater support for all newcomers to learn French and for non-discrimination in schools, local voting rights, a new multiannual permit and a clearer path to permanent residence as well as a less discretionary procedure for naturalisation.²⁶

Language is the most important barrier for the integration of refugees. In 2014, the French government had foreseen foreigners to take the A1 level of European framework after one year and the A2 level after five years. The six-month French courses included in the welcoming and integration contract (WIC) are delivered six-months or one year after recognition of the refugee status; yet these courses are not enough for labour market integration.²⁷ The report on France's integration policy shows that access to education, health services and the labour market are limited in practice. For instance, French schools and health services are inclusive but slow to adapt targeted measures to guarantee equal access in practice. Moreover, labour market integration has been restricted and delayed more than in most countries, with an estimated 5.3 million jobs 'closed' to non-EU immigrants and few accessing education or training in French.²⁸ These delays cause negative long-term impacts on integration outcomes of newcomers; especially non-EU citizens live in a limbo because they are often insecure about their status. For instance, permanent residence is the exception rather than the outcome of their settlement even after 5 years of living in France.

²³ MIPEX Integration Policy Index- France, <http://www.mipex.eu/france>

²⁴ Anna Marchese (2015) "Redefining laïcité: French integration and the radical right", 24 January 2015, <https://www.opendemocracy.net/can-europe-make-it/anna-marchese/redefining-la%C3%AFcit%C3%A9-french-integration-and-radical-right>

²⁵ MIPEX Integration Policy Index- France, <http://www.mipex.eu/france>

²⁶ Ibid.

²⁷ Sandrine Gineste (2016) "Labour market integration of asylum seekers and refugees in France", European Commission, April 2016, ISBN ABC 12345678.

²⁸ MIPEX Integration Policy Index- France, <http://www.mipex.eu/france>.

Table 2 Key Common Statistics

Country of net migration since:	% Non-EU citizens	% Foreign-born	% Non-EU of foreign-born	% Non-EU university-educated	% from low or medium-developed (HDI) country
<1950s	4.1%	11.5%	72%	29%	90%
<i>UN 2010 data in 2013</i>	<i>Eurostat 2013</i>	<i>Eurostat 2013</i>	<i>Eurostat 2013</i>	<i>Note: Adults aged 18-64, Eurostat 2013</i>	<i>Eurostat 2013</i>

According to Bigea (2016), segregation is very real in France: for instance, Grigny, a Parisian suburb, hosted over 27.000 people of which 60% of children live below the poverty line, and unemployment reaches 22%, two times the national average. This share is even among young people (40%), while every person of immigrant background is in danger of being investigated, raided, or put under house arrest within the current State of Emergency.²⁹ A 2009 study showed that black people were 6,2% more likely to be stopped by the police and Arab people 7,7% respectively.³⁰

France has the Republican Model of Integration that is based on secularism and the homogeneity of the national identity. Since 2003, immigrants have to prove knowledge of the language, the Republican values and professional competences required by a Contract of Integration for their naturalization.³¹

4. United States' Integration Policy

The United States' integration policy allows immigrants access the labour market, it provides assistance with learning English and has strong antidiscrimination policies as it has high diversity among immigrants. Permanent residents are allowed to work, run a business, or receive assistance from government agencies while searching for a job. Newcomers can also receive assistance with learning English. It offers work related English and training programmes, allows same-sex couples to sponsor spouses for immigration status in the same

²⁹ Georgiana Bidea (2016) "France: The French Republican Model of Integration: A potential driver for extremism", Conflict Studies Quarterly, Issue 16, July 2016, pp. 17-45, <http://www.csq.ro/wp-content/uploads/Georgiana-BIGEA.pdf>

³⁰ Ibid.

³¹ Ibid.

manner as heterosexual couples. This has allowed same-sex couples to reunite in the United States, and ensures equal treatment under US immigration laws.

According to the 2015 MIPEX report, strong anti-discrimination laws protect all residents: immigrants who obtain a legal status have good opportunities to live with their family and find a job, asylum seekers and refugees although not as good as those that Americans enjoy. The path to citizenship, even for legal immigrants, is not as easy as many think; disproportionate fees, limited family visas, long backlogs, and insecure rights defer a lot from the American dream of citizenship, a secure family, and a good job.³²

The U.S. resettlement program aims to help refugees enter the labour market within a few months of their arrival. According to an MPI report on the integration policy of the USA, among the ten most common origins of recent arrivals, Burmese, Iraqi and Somali men had employment rates equivalent or below U.S.-born men, while the other seven groups had higher employment rates. Refugee women were as likely to work as U.S.-born women, at 54 percent, and refugees' employment rate exceeded those of U.S.-born women in four of the ten most common nationalities of origin: Vietnamese, Liberians, Ukrainians, and Russians (pp. 16).³³

The United States has not been a major site of resettlement for Syrian refugees with only 12,587 Syrian refugees from 2011 to the end of 2016.³⁴ However, the U.S. have resettled 3 million refugees since 1975. Refugee resettlement decisions are based on several factors, including the needs of each refugee, housing costs, social networks, and whether local communities have resources available to take in refugees.³⁵ The U.S. Refugee Admissions Program (USRAP) helps the integration of refugees through making refugees "economically self-sufficient" as soon as possible. Refugees receive assistance and access to social service programs for a limited time, and most of these programs including employment services, on-the-job training, and vocational training are aimed to help refugees in finding and keeping jobs.³⁶ To facilitate integration, new refugees receive work authorization, they are required to apply for lawful permanent resident, or LPR, status within a year, and, once they have a LPR status, they become eligible to apply for citizenship in five years.

According to the 2014 American Community Survey (ACS) on Somali, Burmese, Hmong and Bosnian refugees, refugee men quickly move into the labour force, refugee women become increasingly integrated into the labour force, and refugees move into the occupational ladder (as an example, 23 percent of recent arrival Somalis work in white collar jobs and 43 percent of them who are residing in the United States for 10 years or more).³⁷

³² MIPEX Integration Policy Index- United States, <http://www.mipex.eu/usa>

³³ <http://www.migrationpolicy.org/sites/default/files/publications/UsRefugeeOutcomes-FINALWEB.pdf>

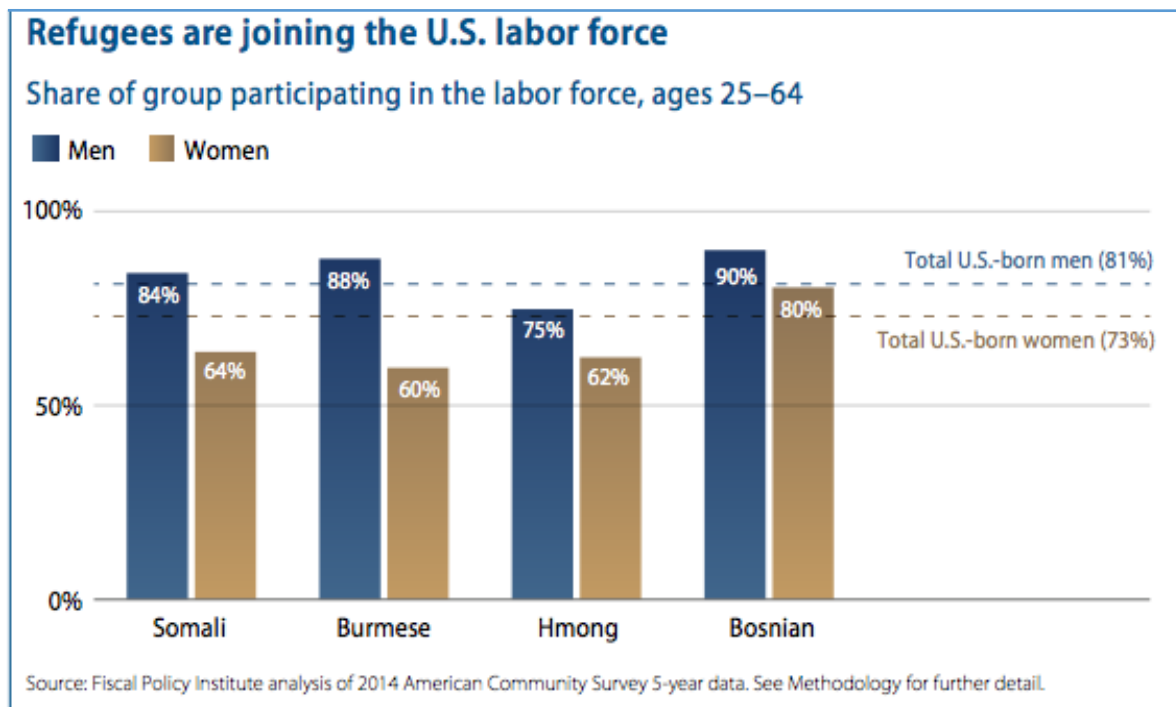
³⁴ Phillip Connor (2016) "U.S. admits record number of Muslim refugees in 2016", Factank news in the numbers, 5 October 2016, <http://www.pewresearch.org/fact-tank/2016/10/05/u-s-admits-record-number-of-muslim-refugees-in-2016/>

³⁵ David Dyssegaard Kallick and Silva Mathema (2016) "Refugee Integration in the United States", Centre for American Progress, June 2016.

³⁶ Ibid.

³⁷ Ibid.

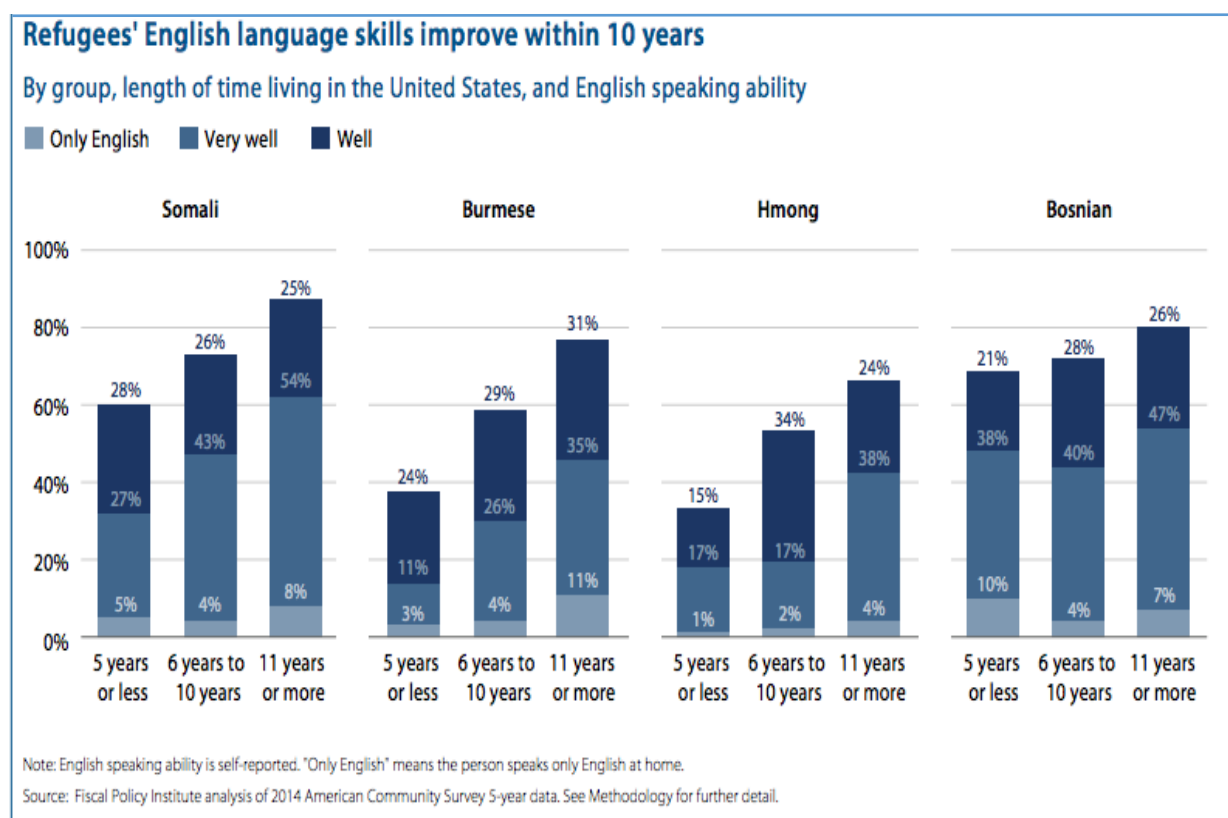
Figure 2



The ACS's report shows that refugees learn English over time, for instance, after living in the country for more than 10 years, 86 percent of Somalis speak English "well", and 61 percent speak English very well. Also, refugees who have been in the United States for more than 10 years tend to own their homes, such as 72 percent of Bosnian refugees who own their houses, compared to 68 percent of US-born citizens.³⁸

³⁸ Ibid.

Figure 3



5. Canada's Integration Policy

The concept of integration, in the policy discourse of Canada, refers to the process by which immigrants become productive members of and develop close relations with the receiving society.³⁹ The objective and strategy of integration policy of Canada is stated in the report of the Department of Citizenship and Immigration Canada (CIC, 2002a) as follows:

CIC's integration strategy aims to enable newcomers to settle, adapt and integrate as quickly and comfortably as possible so that they may become contributing members of Canadian society. It is a two-way process that encourages adjustments on the part of both newcomers and the receiving society. Canada responds to the needs of newcomers through a variety of settlement programs, services and integration promotion activities throughout the integration process (p. 28).

The main aim of integration is to encourage new comers to fully engage with the society, including their economic, social, political and cultural participation. Similar to the EU integration policy, Canada also defines integration as a two-way process highlighting that immigrants should fully live by their cultural customs and believes and that people and

³⁹ Peter S. Li (2003) "Deconstructing Canada's Discourse of Immigrant Integration", *Journal of International Migration and Integration*, 4(3): 315-333

institutions should respond by respecting and reflecting the cultural differences newcomers bring to the country.⁴⁰

Integration policies of Canada are favourable in most areas of life. According to the 2015 MIPEX's report, selected immigrants arrive as permanent residents with equal rights to invest in their integration and quickly become full Canadian citizens. MIPEX's report highlighted that there are restrictions to family reunion and citizenship that may bring unintended consequences for permanent residents. Furthermore, an increasing number of temporary workers may also be discouraging and delay immigrants' investment in their integration, as they have limited opportunities to try out new jobs or trainings, learn English or French for free, or become permanent residents, citizens and voters. Despite these restrictions, immigrants generally have access to social rights and are strongly protected against discrimination on the labour market. Both low- and high-educated newcomers benefit from the increasing funds for settlement services, long-term language support and bridging/recognition procedures, depending on their sector/province. Additionally, federal and provincial support for cultural diversity not only encourages immigrants to identify with Canada and contribute to civil society, but it also helps to understand and respond to newcomers' specific needs, be they in the labour market, adult education, schools, health system or local community.⁴¹

Canada offers both private and government sponsorship for resettled refugees and their integration is currently provided through one of three programs. For instance, Government Assisted Refugees (GARs) receive federal income assistance as financial support through the Refugee Assistance Plan (RAP) and settlement support from government-funded agencies, normally for a year upon their arrival.⁴² Syrian refugees that have arrived to Canada are supported by GARs and Privately Sponsored Refugees (PRsP) programs.

Table 3 Employment rates for immigrants, by migration class (Percentage)

Migration class	Employment rate
Immigrants in Canada, less than 5 years	63.5
Immigrants in Canada, 5 to 10 years	74.1
Immigrants in Canada, more than 10 years	79.8
Canadian-born	82.9

Source: Statistics Canada, 2012.

Note: "Immigrants" includes all classes of immigrants and refugees.

Although securing employment is considered as one of the most important markers of integration success, both immigrants and refugees in Canada report higher rates of unemployment relative to their Canadian-born peers, as shown in the table below. Women face even greater challenges to enter the workforce than men.⁴³

⁴⁰ Dorais, M. (2002) Immigration and integration through a social cohesion perspective. *Horizons*, 5(2), 4-5.

⁴¹ MIPEX Integration Policy Index- Canada, <http://www.mipex.eu/canada>

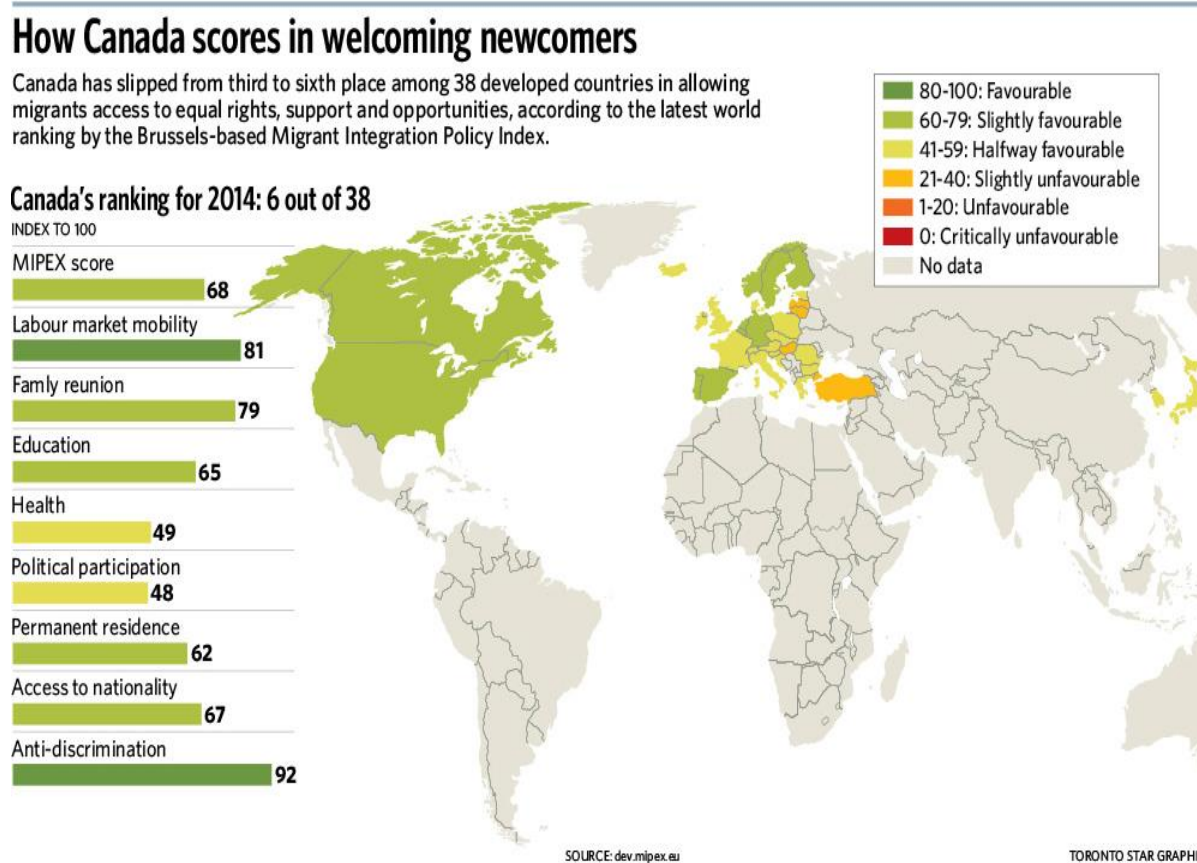
⁴² Jennifer Hyndman and Michaela Hynie (2016) "From newcomer to Canadian: making refugee integration work", *Policy Options Politiques*, 17 May 2016, <http://policyoptions.irpp.org/magazines/may-2016/from-newcomer-to-canadian-making-refugee-integration-work/>

⁴³ Ibid.

According to Hyndman and Hynie (2016), refugees struggle with a lack of recognition of previous education, experience or training and denial of jobs due to a lack of experience in Canada. Language is especially a common barrier to employment, given that more than half of refugees arriving in Canada speak no English or French. Education is another challenging area for refugees as stated by Hyndman and Hynie (2016): “although approximately 10 to 20 percent of refugees arriving in recent years have a university education, as many as 20 to 25 percent of GARs arrive with little formal education and thus limited literacy skills.”

According to MIPEX 2015, Canada offers some of the best labour market opportunities to migrant workers and their families, and it encourages and supports newly arrived immigrants to quickly find a job matching their skills, making labour market integration as a priority in policy.⁴⁴ Canada also offers greater access to general support for newcomers.

Figure 4



⁴⁴ MIPEX Integration Policy Index- Canada, <http://www.mipex.eu/canada>

Box 1

Comprehensive Immigration Policy: The Canadian Model the Canadian Context*

- Geography:
 - Bordered by three oceans
 - United States to the South
 - No border shared with developing or refugee producing country
 - Significant regional differences
- History:
 - Never a colonial power
 - A country of immigrants: never uni-cultural
 - Never conquered, never occupied
- Immigration policy:
 - Economic, family and refugee: permanent entrants with full rights and access to services
 - Selected and controlled intake of future citizens

Waves of Immigration

- Pre-confederation 1867:
 - Aboriginal peoples
 - Early settlers: France and Britain
 - Ireland, United States (fleeing famine, loyalists, pacifists, slaves)
- 1867 to 1940's:
 - West, North, Central, East Europeans
 - Contract labourers from Southern Europe, Caribbean and Asia
 - Overtly racist policies (Chinese, Indians, preferred classes)
 - "None is too many"
- Post war to 1960's:
 - Gradual opening to immigrants and refugees primarily to serve economy
- 1967 to today: sea change
 - Point system introduced for economic immigrants
 - All overt discrimination removed from legislation
 - Dramatic rise : Asia, Africa, Latin America, Caribbean, Middle East
 - Top three source countries: China, India and the Philippines

Waves of Refugees:

Mirror Global Crises

- | | | |
|--------------|---------|---|
| • 1945-1961: | 25,000 | Displaced persons from Europe |
| • 1956: | 37,000 | Hungarians |
| • 1968: | 11,000 | Czechs |
| • 1970-1971: | | Tibetans, Bengalis |
| • 1972: | 7,000 | Ismaili Ugandan Asians |
| • 1973-1978: | 7,000 | Chileans and other Latin Americans |
| • 1979-1981: | 60,000 | Indochinese (half privately sponsored) |
| • 1981-1989: | 2,300 | Baha'is from Iran |
| • 1992: | 5,000 | Bosnians |
| • 1999: | 5,000 | Albanian Kosovars |
| • 2006: | 3,900 | Karen from Myanmar (Burma) and Thailand |
| • 2008: | 5,000 | Bhutanese of Nepalese descent |
| • 2009-2015: | 25,475 | Iraqis |
| • 2010-2014: | 58,750 | Refugees from 140 countries |
| • 2015-2016: | 35,000+ | Syrians (many more in process) |
| • 2016 plan: | 55,800 | Refugees from all world areas |

...Diversity in Canada Census 2011

- Racial Minorities:
 - 19.1% of population and growing
- Religion:
 - 67.3% Christian
 - 7.2% non-Christian and growing, projected to double by 2031

Comprehensive Immigration Program Categories

- **Economic immigrants** (selected on human capital):
 - 63.4% of flow in 2014 (165,088)
- **Family Class** (selected to reunite with nuclear family members in Canada):
 - 25.6% of flow in 2014 (66,659)
- **Refugees:** (includes asylum seekers and those selected abroad)
 - 8.9% of flow in 2014 (23,286)
- Total Immigration in 2014: 260,404
- Immigration target for 2015: 260,000-285,000 exceeded

Current Status

- Plan for 2016: 300,000 Permanent Resident Admissions
 - Economic Class 160,600
 - Family Class 80,000
 - Refugees 55,800 (17,800 Privately Sponsored Refugees)
 - Humanitarian 3,600
- Temporary entrants (responsive to demand)
 - Increased reliance on temporary foreign workers (2014: 353,448)
 - International students as immigrant pool (2014: 434,871)
 - Two step immigration for some
 - Ineligibility for services, potential exclusion, potential underclass
 - Impact on domestic workers
 - Temporary worker program is controversial

Immigration Levels and Mix

- Law requires consultation and tabling of annual immigration plan in Parliament
 - How many?
 - Balance of categories? (economic, family, refugee)
- Consultation with:
 - Provinces and Territories
 - Key stakeholders (including NGOs, private sector, and municipal organizations)
 - Members of the public
- Increase admissions? Rebalance mix between categories?
- High level task force and employers want more immigrants

Role of Immigration: What is primary policy objective?

- Population policy?
 - Aging population and low fertility rates
 - Dependency ratio
 - Net population growth dependent on immigration: family class and refugees stay
 - Regional population strategies
- Long term economic prosperity policy?
 - Net labour force growth dependent on immigration
 - National and regional objectives
 - Human capital model for selection

- 100 million by 2100?
- Short term labour market policy?
 - Skill and labour shortages in particular sectors or regions
 - Permanent and temporary entrants in particular occupations or with particular skills
 - Role of employers and regulators
- Immigration is only one tool in tool kit

Regional Distribution

- Major metropolitan areas: 56.5% to 3 centres in 2014
 - Toronto 29.1% of total immigrant flow
 - Montreal 16.5%
 - Vancouver 10.9%
- Mid –tier cities:
 - Calgary 7.5%
 - Edmonton 5.9%
 - Winnipeg 5.3%
- Provincial Nominee Programs successful in attraction
- Refugee Resettlement
 - Government Assisted Refugees: 54 communities
 - Privately Sponsored Refugees: 324 communities

Factors for Cities to Attract and Retain Immigrants

- Jobs
- Family, friends, co-ethnics
- Housing
- Cultural and religious diversity
- Newcomer services
- Welcoming collaborative communities
- Municipal services sensitive to newcomers
- Education and training opportunities
- Healthcare
- Public transit
- Opportunities for social, cultural, and political engagement
- Safety and positive relations with police and justice system
- Public space and recreation
- Favourable media coverage

Public Attitudes

- “Diversity is Canada’s strength”
- Canadians recognize Canada as a country of immigrants and generally accept the benefits of immigration and multiculturalism
- 80% say immigration is good for the country
- Immigrants as “citizens in waiting”: here to stay and contribute
- 91% say those born outside Canada are just as good citizens as those born in Canada
- But mixed views on numbers and “values fit”

Public Attitudes

- 58% of Canadians disagree that there is too much immigration
- 67% of Canadians reject the idea that immigrants take away jobs from other Canadians
- 54% of Canadians list multiculturalism as an important symbol of Canadian identity
- 78% of immigrants identify most with Canada, not their country of birth
- 83% of Muslims are proud to be Canadian, compared to 73% of non-Muslims

Legislative Context

- Canadian Constitution:
 - Immigration as federal/provincial shared jurisdiction with federal primacy (1867)

- Charter of Rights and Freedoms (1982):
 - Equal protection and equal benefit of the law without discrimination
 - Affirmative action to ameliorate disadvantage
 - Interpretation consistent with the preservation and enhancement of the multicultural heritage of Canadians

...Legislative Context

- Canadian Human Rights Act (1977) and Provincial Human Rights Codes
 - Prohibit discriminatory practices in federally or provincially regulated activities
 - Require accommodation by an employer, service provider or landlord to give equal access to people who are protected by Human Rights Codes
 - Allow for implementation of special programs designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity

Legislative Context

- Citizenship Act (1977)
 - All permanent residents are eligible for citizenship after residency, language and knowledge requirements are met
 - All citizens have the same rights and obligations, regardless of whether citizens by birth or naturalization
- Bill C-6 currently before Parliament to undo provisions of previous administration which disadvantaged dual citizens and made it harder to become a citizen

...Legislative context

- Canadian Multiculturalism Act (1988)
 - Recognizes multiculturalism as fundamental characteristic of Canadian heritage and identity
 - Promotes the full and equitable participation of all individuals and communities in Canadian society

...Legislative context

- Immigration and Refugee Protection Act (2002)
 - Decisions under the Act uphold the principles of equality and freedom from discrimination in the Charter and comply with international human rights instruments to which Canada is signatory

Two-Way Model of Integration

- Mutual adaptation expected of both newcomers and welcoming communities
- Legislation and enabling programs to support model
- Active engagement of all levels of government, public institutions, civil society, private sector
- Immigration as nation building: long term economic investment
- Investments in first generation pay off substantially in second generation and beyond

Shared Responsibility for Settlement and Integration

- Federal Government:
 - Primary funder of settlement services
 - Funds orientation to services, labour market and citizenship preparation
 - Primary funder of language training
- Provincial Government:
 - Primary funder of human services

- Healthcare and education/training
- Funds child care, social welfare, housing, public health, some settlement
- Municipal Government:
 - Manager of human services system
 - System manager of child care, social welfare, housing, public health
 - Infrastructure (roads, transit, etc.) parks + recreation
- NGO Sector:
 - Delivers settlement and human services in culturally competent way
 - Delivers orientation and language training, child care, housing supports, education, health

...Shared Responsibility for Settlement and Integration

- Federal/Provincial/Territorial tables and agreements to implement shared jurisdiction
- Municipalities not at the table
- No existing agreements on immigration include municipalities

Settlement and Integration Programs

- Delivered by network of (approx. 500) civil society service providers funded by government(s)
- Some services begin overseas pre-arrival particularly for economic immigrants and refugees
- All immigrants to Canada (economic, family and refugee classes) arrive as permanent residents with immediate right to work, full rights and voluntary access to all services, and on track for citizenship
- \$900 million CDN federal contribution, complemented by provincial, municipal, and civil society funding

Settlement and Integration Programs

- Major focus on language training
- Settlement services in community organizations, schools, libraries
- Targeted programs for youth, isolated women, vulnerable
- Special programs for refugees
- Labour market integration programs

Toronto's Approach to Integrating Newcomers

- Newcomers are residents in the city. The City ensures all residents receive equitable benefit of City services and programs.
- Integrated approach means that equity and human rights are embedded in all City services and programs.

Toronto Newcomer Strategy

- Vision
 - All newcomers reach their full potential to thrive and contribute to their local neighbourhood, community and city, ensuring Toronto's continued success and prosperity.
- Mission
 - To advance the successful settlement and integration of all newcomers to Toronto through a seamless, responsive and accountable human services system.
- Strategic Pillars
 - Advancing Labour Market Outcomes
 - Promoting and Supporting Good Health
 - Improving Access to Municipal Supports
 - Supporting Civic Engagement and Community Capacity

Local Collaborative Mechanisms

- Local Immigration Partnerships
 - Responsive to unique geographies, demographics and communities
 - Resident and stakeholder engagement and involvement
 - Identify gaps in service and opportunities for collaboration

- Newcomer Leadership Tables:
 - Develops a systems approach among stakeholders for planning and assessment of the human services system to respond more effectively to newcomer needs
- Immigrant Employment Councils
 - Create and champion solutions to better integrate skilled immigrants in the labour market
 - Comprised of employers, business and industry associations, labour, professional associations, educational institutions, governments and community groups

Social and Civic Integration

- 85% of those eligible for citizenship become citizens
- Levels of voting, volunteering and charitable giving comparable to Canadian-born
- Vast majority satisfied with personal safety and life in Canada
- Majority of newcomers feel a sense of belonging
- High level of social trust in cities with growing ethnically diverse populations
- Children of immigrants have same or better educational outcomes than Canadian-born counterparts but varying employment and income outcomes for different groups

Lessons Learned:

Essential Factors for Success

- Leadership (government, private sector, civil society)
- Understanding of timing, context and past experience
- Legislation, policy, programs, funding : coherence
- Trust in and competence of government
- Government structures: inter and intra-government relations
- Knowledgeable media, ongoing communications to public
- Civil society engagement and partnership
- Multi-stakeholder collaboration at all levels (national, regional, local)
- Responsive, effective implementation
- Focus on all members of immigrant families and family reunification
- Intercultural personal contact
- Recognition of strengths/assets/contributions of immigrants and refugees

Conclusion

- Generally the Canadian model is working:
 - Legislative and policy frameworks promote inclusion
 - Program investments: language training and labour market programs are paying off
 - Partnership with variety of stakeholders and civil society organizations enhance implementation, outcomes, public opinion
 - Involvement of ordinary citizens in sponsorship of refugees: intercultural contact and sharing of networks helps integration
 - Education and recreation systems are integrative tools for children and families
 - Diversity of immigrants seen as benefit to Canada
 - But can't be complacent...some economic, social and societal fault lines can develop quickly
 - Tone set by government hugely important : leadership is key

*Naomi Alboim, International Metropolis Conference, Aichi-Nagoya, October 2016

CHAPTER II - DURABLE SOLUTION OPTIONS FOR THE BENEFICIARIS OF INTERNATIONAL PROTECTION IN TURKEY

Part I

Turkey's Asylum System

Out of three internationally acceptable durable solutions for refugees, resettlement to a third country, and voluntary repatriation are the legislatively possible ones for non-European in Turkey. Return back to the country of origin by a decision of the council of ministers for the beneficiaries of “temporary protection” is also legalistic solution. Naturalisation/integration are on the other hand logical result for a tiny group of recognized refugees from Europe though the Law does not openly mentions. The term “harmonization” which is a substitute to “integration” in the Law, is intended to make some services available for some groups who do not have high resettlement chances, falls short of anything akin to an integration scheme.

1. The 1951 Convention and Protocol Relation to the Status of Refugees

Turkey is a State Party to the 1951 Geneva Convention Related to the Status of Refugees and the 1967 Protocol. Turkey ratified these two key documents on refugees in 30 March 1962 and 31 July 1968 respectively. According to the Turkish Constitution, international agreements duly put into effect bear the force of law:

In case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and the domestic laws due to differences in provisions on the same matter, the provisions of the international agreement shall prevail.

Therefore, when one speaks of the Turkish Asylum system, it should be kept in mind that the Refugee Convention and 1967 Protocol have to be mentioned as the main binding legal instruments. Accordingly, the other pieces of the national legislation on asylum have to be in conformity with the Refugee Convention and 1967 Protocol.

The Section A, and Paragraph (2) of the 1951 Refugee Convention provides the definition of the term “Refugee”:

Article 1: Definition of the Term “Refugee”

A- For the purpose of the present Convention, the term “refugee” shall apply to any person who;

(2) As a result of events occurring before 1 January 1951 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 nationality and is unable or owing to such fear is unwilling to avail himself of the protection of that country....

1951 Refugee Convention

Section B, Paragraph 1 and the subparagraphs (a) and (b) of Article 1 provide opportunity for States to sign the Convention by restricting their obligation towards refugees according to the time of arrival or the geographical location of their countries of origin:

B (1) For the purposes of this Convention, the words “events occurring before 1 January 1951” in Article 1, section A, shall be understood to mean either:

(a) “Events occurring in Europe before 1 January 1951”; or

(b) “Events occurring in Europe or elsewhere before 1 January 1951”, and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

The practical consequence of this choice is that the State party which opts for (b) of Section B (1) of the Refugee Convention, does not assume a responsibility to recognize refugees if they come from a non-European country.

The full title of the 1951 Refugee Convention is the “Convention Relating to the Status of Refugees”. The term “Status” in the title of the 1951 Refugee Convention is linked with the rights of the refugees once they are on the territory of the country of asylum and their claims to fear being persecuted under the Convention’s grounds are found well-founded. These rights listed in the 1951 Refugee Convention are the result of the evolution of the contemporary refugee regime since the end of the First World War and the creation in 1920, of the Office of the High Commissioner for Refugees Coming from Russia.

The essence of the contemporary refugee regime is the principle of non-refoulement. It is the key norm of the international protection concept. It is, as stipulated in Article 33 of the 1951 Convention, the obligation for all states as well as a basic right for all people who need international protection outside of their country of origin:

Article 33: Prohibition of Expulsion or Return (“refoulement”)

No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

As mentioned in the Introduction and in Chapter I of this document, the rights of refugees are tightly linked with the issue of status, i.e. a recognised refugee status, which are expressed in many articles of the 1951 Convention.

During the evolution of the international refugee regime, these rights have been gradually and progressively inserted into the subsequent international arrangements and conventions as minimum standards to enable a refugee to start and build a new dignified life dignified in a new country where he/she seeks asylum. In other words, these rights are seen as the minimum conditions for integration of refugees. The rights of refugees are therefore linked with durable solutions. It is assumed that the State parties which fully apply the 1951 Refugee Convention shall integrate refugees by recognizing their status and accompanying rights. This is called 'local integration' and it is the most commonly applied durable solution for refugees.

The second durable solution foreseen by international law is voluntary repatriation. If the circumstances that forced people to flee their countries no longer exist, the refugees may voluntarily return to their countries of origin and avail themselves the protection of these countries. In case local integration and voluntary repatriation as two durable solutions are not available, the third durable option to be envisaged is the refugee's resettlement to a third country. Countries that apply geographical limitation do not bind to the obligation of recognizing the status-related rights to people who are in the territory of that state to seek international protection but are citizens of a non-European country.

Turkey signed the 1951 Refugee Convention by declaring that it shall understand the words "events occurring before 1 January 1951" in Article 1, section A, to mean as "events occurring in Europe before 1 January 1951" as mentioned in paragraph (a). Thus, Turkey signed and ratified the 1951 Refugee Convention and 1967 Protocol with geographical limitation, which limits its responsibilities only towards European refugees. It does not provide a "status" to refugees coming from a non-European country and does not recognize the rights listed in the convention to enable them to build a new life in Turkey. These persons are benefitting from international protection in Turkey only temporarily and need to find a durable solution in another country since they do not have a chance to be integrated in Turkey.

2. The Law of Foreigners and International Protection

In addition to being a State Party to the 1951 Refugee Convention and 1967 Protocol, the main domestic asylum legislation of Turkey is the Law of Foreigners and International Protection (No 6459 adopted on 4.4.2013) which fully entered into effect on April 2014 (herein after the Law).

The Law was an effort to bring the Turkish asylum law in conformity with the EU asylum system during Turkey's EU accession process. The previous Turkish national legislation, nullified by the Law, was the Regulation No. 1994/6169 on "the Procedures and Principles related to Possible 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" (last amended 2006) (Hereinafter 1994 Regulation). The 1994 Regulation remained in force with one exception until 2013. The 1994 Regulation was mainly a reaction to the mass influxes of 1980s and 1990s, and presumed that in case of mass influxes, the main response from the country should be to stop refugees at the border before they arrive in Turkey's territory. Since November 1994, however, only the

Kosovo crisis brought to Turkey around 20,000 persons as a massive influx. At that time, Turkey did not close its borders as presumed under the 1994 Regulation. In 2003, just before the Second Gulf War, Turkey did plan to act in line with the 1994 Regulation. Turkey prepared to establish IDP camps inside the Iraqi territory to “protect” fleeing people in their territory and to prevent a possible mass influx to Turkey. Luckily, the occupation of Iraq by the coalition forces in 2003 did not produce a large-scale population movement from Iraq to Turkey as it happened in 1991.

When the Syrian refugee influx towards Turkey started in April 2011, Turkey did not apply the basic principle of 1994 Regulation of not allowing refugees to enter Turkey. Instead, Turkey declared from the moment of the first entries of Syrians on that it would keep the borders open and would meet their basic needs. In this sense, the 1994 Regulation was practically not implemented for Syrian refugees. However, since the Law was not yet adopted by the parliament and entered into force, Turkey tried to manage between 2011 and 2014 the Syrian refugee crisis without a legislative guideline. That is why it termed the Syrian refugees as “guests” in the absence of a legal term to describe them.

Since the implementation of the 1994 Regulation had caused international criticisms and stipulated strong rulings by the European Court of Human Rights against Turkey during its more than two decades of implementation, the drafters of the Law worked together with UNHCR and focused on improvements of individual asylum procedures. When the Turkish parliament adopted the Law in 2013, both UNHCR and EU expressed their upmost satisfactions. Chief UNHCR Spokesperson, Melissa Fleming, said in Geneva, on 12.04.2013 that UNHCR welcomes Turkey’s new law on asylum. She stated that “the High Commissioner for Refugees, António Guterres welcomes new legislation, the Law on Foreigners and International Protection, recently adopted by the Turkish Government, as a reflection of Turkey’s strong commitment to humanitarian values and principles.”

The Law reinstates Turkey’s commitment to the non-refoulement principle:

Non-refoulement

ARTICLE 4 –

No one within the scope of this of this Law shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion

The Law established, under the Ministry of the Interior, a specialized civil institution to manage international protection. This institution, the Directorate General of Migration Management (Hereinafter DGMM), is tasked to deal with many issues ranging from the affairs of foreigners in Turkey, the stateless persons, and international protection. According to the Law, applications for international protection are to be processed at the provincial level by the Provincial Directorates. DGMM announced through a statement on 18 May 2015 that it had completed its administrative establishment at the provincial level:

“Following the adoption of the Law on Foreigners and International Protection with No. 6458 on 4 April 2013 by the Turkish Grand National Assembly and its entry into force on 11 April 2013, the Directorate General of Migration Management, established as an institution under the Ministry of Interior, has completed to a large extent, its physical infrastructure, its hardware structure, its software and hardware system of GOC-NET, employment of its staff and the trainings of the staff and its work for secondary legislation. It has completed in a speedy way of establishment of its provisional branches and by 18 May 2015, it assumed its tasks at the provincial level. Since 18 May 2015, the Provincial Directorates of the Migration Management has started to perform all tasks related to foreigners that had been processed until now by the provincial directorates of the Security Department”.

The Law set DGMM as the status determination (for International protection- Refugee Status Determination-RSD) authority in Turkey. UNHCR still continues to perform its own RSD processing it had been conducting since early 1960s. However, with the new Law, it prepares to transfer this functions to DGMM in the shortest possible future.

While focusing on the individual status determination and protection issues, the Law separates refugees according to where they come from and how they arrive in the country. The first divide is between citizens of European countries and citizens of countries which are not members of the Council of Europe. The second divide lies on whether they arrive at Turkey individually (or in small groups, mostly based on the Refugee Convention grounds) or with mass influxes, due to the lack of general security in their countries.

2.1. The First Division: According to where refugees come from and why they come

In order to clarify the conceptual inconsistencies arising from the maintenance of geographical limitation, the law created new categories based on the origin of their arrival in Turkey. The law described all asylum seekers who come to Turkey individually or in small groups to seek international protection as “applicants”:

Article 3 (d) - Applicant:

a person who made an international protection claim and final decision regarding whose application is pending.

The Law describes Refugees as citizens of a European Country:

Article 61

Refugee is a person who as a result of events occurring in European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a particular social group or political opinion, is outside the country of his citizenship and is unable to avail himself or herself of protection of that country...”

Article 62 of the Law describes “conditional refugees in terms of them being citizens of a non-European country:

A conditional refugee is a person who, as a result of events occurring outside European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a particular social group or political opinion, is outside the country of his citizenship and is unable to avail himself or herself of protection of that country...”

Article 63 of the Law describes “subsidiary protection” as a foreigner or a stateless person who:

...neither could be qualified as a refugee nor as a conditional refugee, shall nevertheless be guaranteed subsidiary protection upon the status determination because if returned to the country of origin or country of (former) habitual residence would;

- a) Be sentenced to death or face the execution of the death penalty,
- b) Face torture or inhuman or degrading treatment or punishment,
- c) Face serious threat to himself or herself by reasons of indiscriminate violence in situations of international or nationwide armed conflict

And therefore, is unable for reason of such threat is unwilling to avail himself or herself of the protection of his country of origin or country of (former) habitual residence.

Articles 65 to 85, provide principles of application for an international protection claim, registration procedures, interviews, decisions, administrative and judicial appeals. The Law regulates the use of trained interpreters at the time of application and registration until the end of appeal phases of the status determination. It describes the physical conditions where status determination interviews have to be conducted. It also underlines the importance of a fair and efficient status determination system as well as the high level of experience and training of the determining authority (interviewer) and the interpreter.

2.2. The Second Division: Under what circumstances do refugees arrive?

The legislative distinction according to the way refugees come to Turkey is set in Article 91 on “Temporary Protection”, which describes mass influx situations:

Article 91 (1)-

Temporary protection may be provided for foreigners who have been forced to leave their country, cannot return to the country that they have left and have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection.”

According to the same Article the actions to be carried out for the reception of such foreigners into Turkey, their stay in Turkey, their rights and obligations, and their exit from Turkey would be stipulated by a regulation to be issued by the Council of Ministers.

The temporary protection regulation, as it will be discussed later in this chapter, states that the principle of non-refoulement shall be observed for the beneficiaries of temporary protection as well:

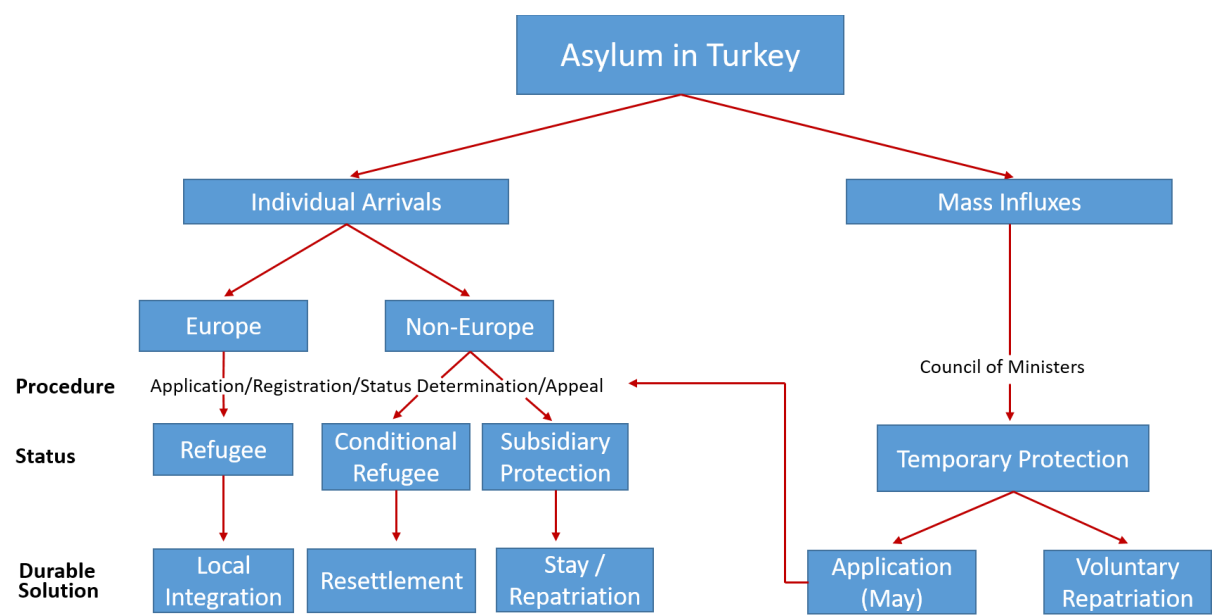
Article 6, Temporary Protection Regulation:

...any person shall be send to a place where s/he may be subjected to torture, inhuman or degrading treatment or his/her life or liberty is under treat due to his/her race, religion, nationality, membership to a particular social group and political opinions.

However, it remains the government’s discretion to decide when the temporary protection expires. There are no guarantees or legal safeguards to stop deportation actions that might be taken by the administration.

Thus, the Law makes a clear distinction between different categories of persons: a) those who need international protection and who come to Turkey individually; and b) persons who are under temporary protection who arrive to Turkey in large groups. The first category of persons who need international protection in Turkey are further differentiated according to the nature of their claims. Depending on the various statues, the Law presumes different durable solutions for people who falls into different categories. (See Figure 3 below)

Figure 5 Different Types of Durable Solutions Turkish asylum system offers to different refugee groups



The Law does not discuss anywhere a general concept of durable solutions. However, it recognizes different types of durable solutions and different levels of access to certain services

for the beneficiaries of the owners of the following statuses: refugees (fleeing from Europe), conditional refugees (fleeing from a non-European country), beneficiaries of a subsidiary protection (fleeing from wide-spread violence), and beneficiaries of temporary protection (fleeing to Turkey in large groups-mass influx). Accordingly, there is an implicit recognition that only the recognized refugees, that is European refugees, are entitled to local integration rights although there are very few provisions in the Law describing the details of such integration schemes. In practice, it is estimated that there are less than a dozen of such refugees in Turkey.

Conditional refugees are offered with a sole durable solution of resettlement to a third country, while the Law does not regulate any durable solution for beneficiaries of subsidiary protection. However, experts of the Turkish asylum system state that this category was created during the drafting period of the Law to address a specific problem of particular groups of refugees. Namely, Afghans' and Somalians' claims do not fall into the refugee definition of the 1951 Convention, but are still considered internationally as refugees since their life and freedom is under risk. Since resettlement countries like the US, Canada, Australia and some European countries stopped welcoming them since the early 2010s, this category of people is given somehow wider rights than the conditional refugees to enable them to sustain a life in Turkey.

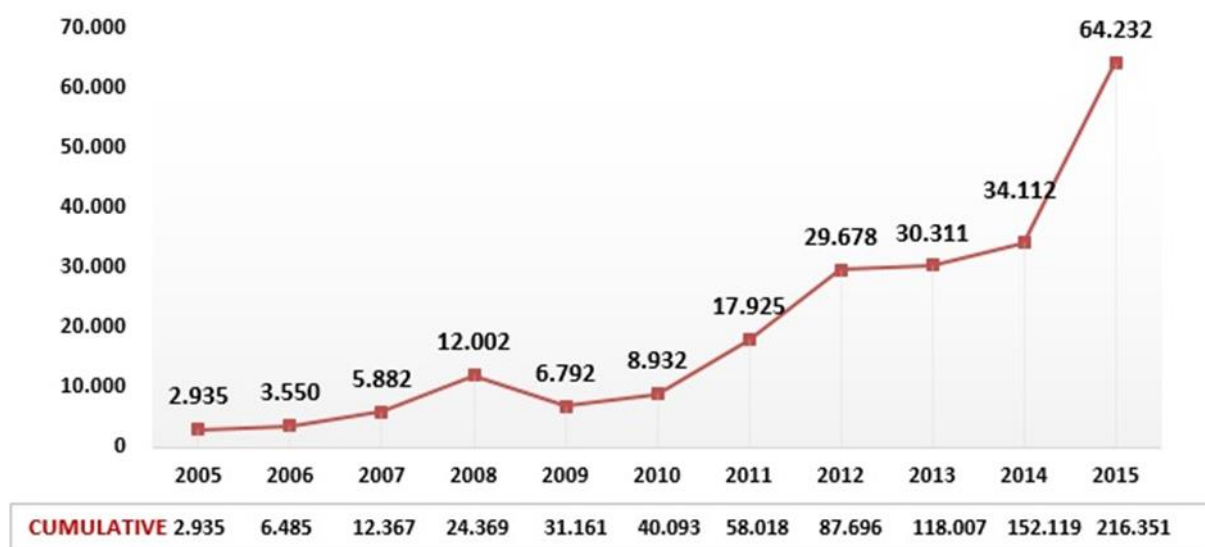
UNHCR's public statement on May 2013 informing Afghan refugees of the suspension of the decision of their RSD, indicates the reason why the beneficiaries of subsidiary (secondary) protection have enjoyed wider rights to work than the conditional refugees. UNHCR informed Afghan refugees in organized meetings with the refugee representatives that "resettlement is not a right and no Afghan refugee should expect to be resettled from Turkey". UNHCR further added:

"As resettlement is not a right for any refugee, all recognized refugees in Turkey are encouraged by UNHCR to learn the local language and to try to find legal work and self-reliance opportunities in Turkey. UNHCR realizes that this might be very difficult, however, sending children to the local school, cultivating friendships and trying to adapt to life in Turkey can only benefit the refugees, regardless of nationality. In most cities, all the asylum-seekers are required from the outset to rent their own accommodation and provide for themselves in terms of food, housing, electricity, heating, water, etc. UNHCR does not provide any assistance for these costs, which are mainly borne by the asylum seekers and refugees themselves, regardless of nationality. Assistance may however be available through the Governorate and the local Social Solidarity Foundations and local NGOs in many cities."

Despite the fact that the category of Subsidiary protection was thought of to provide a legal basis for Afghan refugees during their estimated long stay, in practice this type of international protection has been so far granted only to five or six persons. Tens of thousands of Afghans and Africans are most probably considered by the authorities as "applicants".

Although the presence of millions of Syrian refugees takes almost all public attention, the number of non-Syrian refugees in Turkey also skyrocketed since 2005.

Figure 6 Number of persons under international protection (including beneficiaries of temporary protection)-DGMM ⁴⁵



The DGMM Web does not distinguish the asylum applicants and recognized refugees (including refugees, conditional refugees and beneficiaries of the subsidiary protection). UNHCR's statistics imply that the figures in the above table corresponds more or less to both groups. According to UNHCR there are 248,490 asylum applicants to the UN Agency and 44,146 refugees (UNHCR does not categorize recognized mandate refugees in line with the categories of the Law).⁴⁶

Table 4 Breakdown of the Population of Concern to UNHCR Turkey

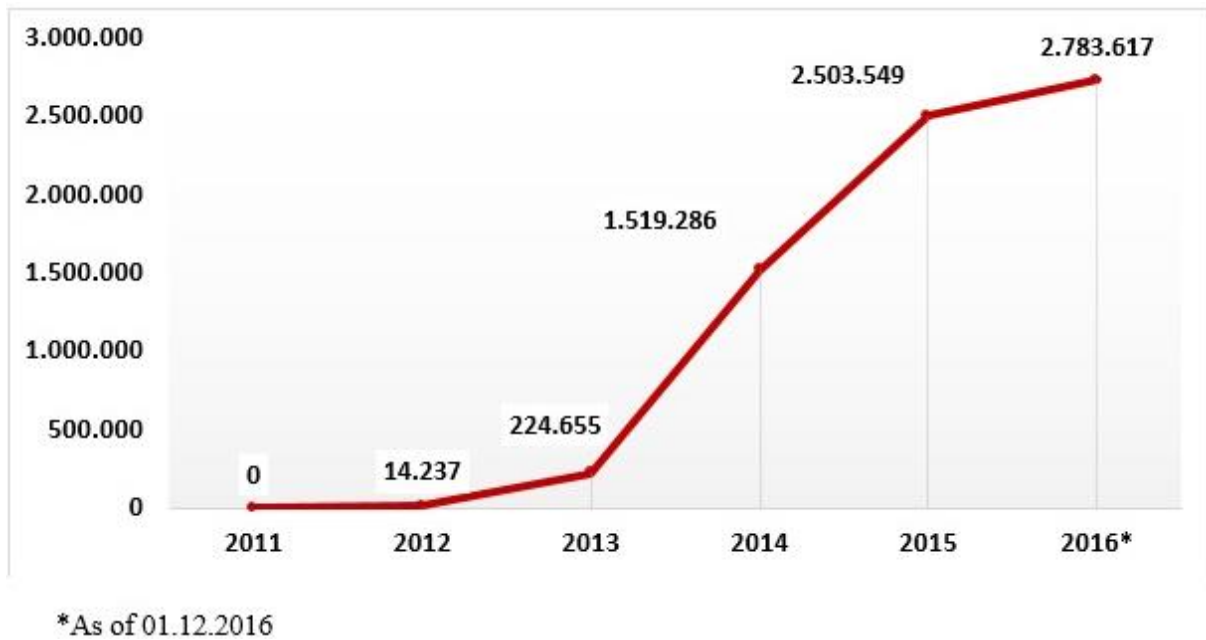
By Country of Origin	
Syria	2.728.276
Iraq	125.879
Afghanistan	113.756
Iran	28.534
Somalia	3.905
Other Nationalities	8.290
TOTAL	3.008.640

⁴⁵ http://www.goc.gov.tr/icerik6/international-protection_915_1024_4747_icerik

⁴⁶ <http://www.unhcr.org/turkey/home.php?page=12>

Beneficiaries of Temporary Protection in Turkey, practically all Syrian refugees, were of 2,783,617 persons as of 1 December 2016:

Figure 7 Beneficiaries of the Temporary Protection in Turkey (Syrians)⁴⁷



3. The Regulations and the Secondary Law

Since the entry into force of the Law on Foreigners and International Protection on 4 April 2014, a series of regulations, circulars and by-laws have been issued to describe in further detail the rules to implement the provisions of the Law, the designated authorities and the guidelines for the responsible officials. Since the beginning of the Syrian crisis in April 2011, different ministries also issued similar types of secondary legislations for the issues falling their competencies in relation to the Syrians. Some of the secondary legislations were of internal characters and were not shared with the public. When the Law entered into force in 2014, a secondary law was felt to be needed to deal with Syrians and implement the short Article 91 on “Temporary Protection”. Turkey has issued on 17 March 2014 a regulation related to the implementation of the Law on Foreigners and International Protection.

Since then, Turkey issued a couple of secondary laws in the form of regulations and administrative directives for clarifying the implementation issues. The first directive covered the education of Syrian refugees, 2014/21 on 23 September 2014.⁴⁸ This Directive has created a dual system of pre-university education, which lasted until 2016 for Syrians under temporary protection. In 2016, the Ministry of Education decided to gradually put an end to this dual system and direct the students to Turkish schools.

⁴⁷ http://www.goc.gov.tr/icerik6/temporary-protection_915_1024_4748_icerik

⁴⁸ (* Yabancılarla Yönelik Eğitim-Öğretim Hizmetleri. Genelge. 2014/21. 23/9/2014)

A long-awaited regulation was published on 1 January 2016 in the Official Gazette: the Regulation Related to the Work Permit for the Foreigners under Temporary Protection (No: 20016/8375).

Almost two years after the entry of the Law, the Regulation Related to the implementation of the Law on Foreigners and International Protection was published on 17 March 2016 on Official Gazette.

This was followed by a regulation related to the work of the applicants to the international protection and the beneficiaries of international protection, on 26 April 2016⁴⁹

Below is the list of the main body of the secondary legislation:

1. The Regulation related to the Implementation of the Law of Foreigners and International Protection 17 March 2016. Official Gazette: 29656
2. Regulation related to the Temporary Protection, 22 October 2014 Official Gazette (No: 2014/6883)
3. Circular relating to Foreigners' Education 23.9.2014
4. Circular relating to the implementation of the circular on health services to be provided within the framework of Health Tourism and the Healthcare of tourists. 13 June 2011
5. The Circular Relating to the Health Services to be Provided to the Beneficiaries of Temporary Protection. 25.03.2015
6. Regulation Relating to the Work Permits of Foreigners benefitting Temporary Protection. 11.01.2016 No: 2016/8375
7. Regulation Relating to the Work Permit of the Applicants and the Beneficiaries of International Protection. 26. 04. 2016.
8. The Circular related to the implementation of services to be provided for the Foreigners under Temporary Protection, 18 December 2014. 34202324-01.06.02-27767 (AFAD)

4. Durable Solutions in the Turkish Law

Neither the Law nor the main regulations use the term “durable solutions”. With the exception of a dozen of European refugees and similar amount of beneficiaries of Subsidiary Protection, the Turkish asylum system assumes voluntary repatriation or resettlement are the only available durable solutions for non-European persons who need protection of Turkey.

However, Section Three of the Law sets the general principles concerning the rights and obligations of persons under international protection. As mentioned above, the implicit recognition of the right of local integration is only for Refugees (coming from Europe). The rights and obligations described by the Law and regulations, therefore, do not aim to enable conditional refugees, beneficiaries of subsidiary protection and the beneficiaries of the temporary protection to build a new life in Turkey. Instead, as mentioned the Law, these rights

⁴⁹ Uluslararası Koruma Başvuru sahibi ve uluslararası koruma sahibi kişilerin çalışmasına dair yönetmelik. 29695

are for enabling them to sustain a life while staying temporarily in Turkey, and until a durable solution for them either in the form of resettlement or voluntary repatriation is found. For the same purposes, Part Four of the Law under the heading of “Common Provisions Regarding Foreigners and International Protection”, is about “Harmonization,” a notion created to substitute the term integration. Article 96 under this Part clarifies that the objective of harmonization is not to help people to integrate to Turkish society. Instead, it aims at helping them to be in good relations with the local community while in Turkey, and to prepare them for a new life either in the country of origin in voluntary repatriation takes place or in the resettlement country:

Harmonization

Article 96

- (1) The Directorate General may, to the extent that Turkey’s economic and financial capacity deems possible, plan for harmonization activities in order to facilitate mutual harmonization between foreigners, applicants and international protection beneficiaries and the society as well as to equip them with the knowledge and skills to be independently active in all areas of social life without the assistance of third persons in Turkey or in the country to which they are resettled or in their own country....

A durable solution is also implicitly mentioned in Article 87 of the Law on voluntary repatriation:

Support for voluntary return

ARTICLE 87 –

- (1) Material and financial support may be provided to those applicants and international protection beneficiaries who would wish to voluntarily return,
- (2) The Directorate General may carry out the voluntary repatriation activities in cooperation with international organisations, public institutions and agencies, and civil society organisations.

The Regulation Relating to the Temporary Protection also stipulates repatriation when this type of protection is lifted by the decision of the Cabinet of Ministers. Part 9 of the Temporary Protection Regulation presumes two alternative durable solutions for the beneficiaries of the temporary protection. Article 42, regulates the voluntary repatriation while Article 44 is about the resettlement to a third country. Therefore, integration has not been foreseen for the beneficiaries of the temporary protection in Turkish asylum system:

Article 42, Temporary Protection Regulation

ARTICLE 42 Voluntary Repatriation

- (1) The necessary facilitation and support as available as possible shall be provided to those foreigners under the coverage of this Regulation;

- (2) DGMM may plan the voluntary repatriation procedures in coordination with the authorities of the relevant country, public institutions, international organizations and civil society organizations.

The third type of the durable solution consists on the resettlement to a third country, and the Law duly stipulates the actions to be taken to facilitate the process.

Resettlement is not explicitly mentioned in the Law, but within the Implementation Regulation. Article 94 of the Implementation Regulation states that:

Implementation Regulation Article 94

Article 94-(1) The procedures for the resettlement to a third country of the foreigners who are under the international protection shall be processed under the coordination of the Directorate General. Cooperation with public institutions and organisations, international organizations and NGOs may be sought.

Article 94 thus grants resettlement to a third country to Conditional Refugees. Yet, due to the difficulties to resettle, the Law stipulates open-ended duration of the status of the subsidiary protection.

For groups of refugees like Afghans and Africans who would normally be considered as beneficiaries of the Subsidiary protection, such a status has not been granted. Instead they remain in a juridical limbo as “applicant whose RSD process is frozen”.

Article 44 of the Temporary Protection Regulation also foresees the travel of foreigners to a third country, subjecting this temporary or permanent permission to persons under temporary protection to the DGMM.

Part II

The Impact of Syrian refugee crisis on Legislation and Practices

Despite the fast growth of the numbers of non-Syrian refugees in Turkey during the first decade of 2000s, the overall numbers were still not too much to alarm Turkey to think about the refugee integration. It is the fact that the Syrian refugees reached millions in 2013 onward, Turkey started to feel about a real refugee crisis.

1. Historical Overview of Syrian Migration to Turkey

The Syrian refugee crisis is one of the largest mass movements of people in world's history, and has caused an estimated 11 million Syrians to flee their homes since the outbreak of the civil war in March 2011. In this sixth year of war, 13.5 million are in need of humanitarian assistance within the country. According to the United Nations High Commissioner for Refugees (UNHCR), approximately 4.8 million have fled to Turkey, Lebanon, Jordan, Egypt and Iraq, and 6.6 million are internally displaced within Syria. About one million of Syrians

have requested asylum to Europe. Germany, with more than 300.00 applications and Sweden with 100.000 applications became EU's top receiving countries.

According to the UNHCR's data on January 2017, Turkey received 2,854,968 registered Syrian nationals, Lebanon received 1,017,433, Jordan 655,496, Iraq 230,836 and Egypt received 116,013. While Syrian refugees have become the world's largest refugee population, Syria's two neighbours Turkey and Lebanon have been hosting the largest share of these refugees.

The first group of Syrian refugees crossed into the Hatay region of Turkey in April 2011. By the end of 2011, there were 8,000 Syrian refugees in Turkey. In the second stage of the Syrian crisis, in 2012, inflows of refugees gained enormous momentum as a result of efforts to negotiate a ceasefire that failed. There were around 15,000 registered displaced Syrians in Hatay Province, with possibly unregistered thousands more residing in other provinces by March 2012. As they enter, they are registered by the Turkish Disaster and Emergency Management (AFAD) and then settled in refugee camps in Adana, Adıyaman, Gaziantep, Hatay, Kahramanmaraş, Kilis, Malatya, Mardin, Osmaniye, and Şanlıurfa that have been established by the Turkish government. At the moment, there are 23 refugee camps in Turkey, which are run by AFAD. The services provided to Syrian refugees in the camps cover the basic survival needs including food, healthcare and educational activities (Ozden, 2013: 6).

After the failure of the Annan initiative for a ceasefire, in the second half of 2012, the conflict in Syria deepened and on average more than 20,000 refugees arrived in Turkey monthly. By the end of 2012, there were over 170,912 registered refugees in Turkey. Monthly arrivals continued to rise throughout 2013. In 2013, the influx of refugees from Syria into Turkey reached the highest as there were nearly 40,000 arrivals on average per month (Icduygu, 2015). By the end of 2013, there were 560,129 registered Syrian refugees settled in Turkey. The total number of Syrian refugees increased dramatically in the second half of 2014 when Turkey received 70,000 new arrivals on average per month. As a result of the ISIS occupation in northern Syria, many Syrian people fled to Turkey in the fall of 2014. Turkey received 96,739 Syrian refugees between November and December 2014 and 492, 56 new arrivals between December 2014 and January 2015. By the end of 2014, the total numbers of registered Syrian refugees reached 1,552,839. Turkey's Syrian refugee population was more than 1.7 million as of mid-March 2015—tripling December 2013 figures. According to United Nations estimates, by the end of 2015 there were 2,503, 549 registered Syrian refugees in Turkey. Turkey currently hosts over 3 million Syrian refugees, more than other neighbouring countries and has spent over 7 billion euros since the beginning of the Syrian crisis. The biggest share of the expenditure has been allocated to the 23 government-run refugee camps, where more than 250,000 refugees live, representing just 10 per cent of all Syrian refugees in the country.

Turkey's refugee policy was based on religion-oriented hospitality and Syrian refugees were perceived as guests and welcomed in the early phases of the refugee inflows in 2011. That year, Turkey extended 'temporary protection' to Syrian refugees arriving under mass influx circumstances. However, from a legal perspective, Syrians are neither refugees nor guests. According to Turkey's two-tiered asylum policy, Turkey applies a geographical limitation to the 1951 Geneva Convention and does not grant refugee status to asylum seekers coming from outside Europe. In the case of the Syrian refugee crisis, since the events occur outside of a

European country, Syrians are not recognized as refugees. Also, there is no legal definition or correspondence for the term ‘guest’ in international refugee regulations.

In March 2012, the government issued a regulation called “Regulation on Reception and Accommodation of Syrian Arab Republic Nationals and Stateless Persons who reside in Syrian Arab Republic, who arrive to Turkish borders in Mass influx to seek Asylum”. This regulation was not publicly available. Turkey adopted the Law on Foreigners and International Protection in 2014. This law regulates the procedures for foreigners, refugees and people in need of international protection, including conditions on temporary protection, and limited it to situations where foreigners were forced out of their country, who could not return and were in need of emergency and temporary protection. It also includes regulations on secondary protection for non-European asylum seekers, defined as conditional refugees. A new institution the General Directorate on Migration Management was established to deal with all asylum applications in coordination with the UNHCR and the AFAD. In addition to regulating asylum procedures for all persons in need of international protection and access to social services, the Law also utters the principle of non-refoulement- the prohibition on returning a person to a country where s/he is at risk of persecution or serious human rights violations.

Due to the mass influx situation, Syrian refugees are not eligible to be granted conditional refugee status under the law. With the new Law, in October 2014, the temporary protection regime was adopted as required by Article 91 of LFIP and the temporary protection policy for Syrian refugees was extended. This regulation provided them with the guarantee of non-refoulement and basic humanitarian services. According to the Temporary Protection Directive, refugees eligible for temporary protection are registered upon their arrival and provided with identity cards, which guarantee their right to stay in Turkey and enable their access to basic services. Article 27 guarantees free emergency and primary healthcare and provides free translation services. The regulation also includes clauses on the right to education, work and social assistance however the decisions and necessary regulations on these rights are delegated to the relevant ministries.

The main shortcoming of the new TP is the lack of clarity in relation to certain rights and entitlements including the right to education, employment and housing. Another problem is the lack of awareness of Syrian refugees about their legal status and rights. Temporary protection status, having limited access to fundamental rights, socio-economic deprivation, marginalisation, discrimination and low levels of interaction and connection with the receiving society hinder integration processes of Syrians in Turkey and make them decide to move to Europe.

In March 2016, the EU members met to discuss the implementation of the EU- Turkey Action Plan. On 7 March, Turkey agreed to accept the rapid return of all migrants not in need of international protection crossing from Turkey to Greece, and to take back all irregular migrants intercepted in Turkish waters starting 20 March. According to the deal, for every Syrian readmitted by Turkey from the Greek islands, another Syrian in Turkey was welcomed into EU Member States. In return for Turkey’s strengthened commitment, the EU decided to bring forward the visa liberalisation deadline to the end of June 2016 and to mobilise an additional 3 billion euros in funding by the end of 2018 under the Facility for Refugees. With the

implementation of the agreement, the numbers of irregular migrants arriving from Turkey to the Greek islands remain low in comparison to the summer 2015 when on average 2,900 people were arriving every day between June and September 2015. The average daily number of arrivals has gone down to 47 since 1 May 2016 after the implementation. The number of migrants that lost their lives in the Aegean Sea has also dropped: while there were over 270 who people died in the course of 2015, 11 fatalities were recorded in the Aegean Sea since the Statement.

Since 20 April 2016, 578 persons, including 22 Syrians, who entered Greece irregularly have been returned from Greece to Turkey following the EU- Turkey Statement. The deal has raised concerns about its feasibility and legality, especially on the EU's assumption on Turkey as a safe third country. Although Turkey has not granted Syrians official refugee status, on 2 July 2016, five years after the arrival of the first refugees from Syria, Turkish President Recep Tayyip Erdoğan stated that Syrian refugees living in Turkey could eventually be granted citizenship. Although, the details of the citizenship scheme have not stated and involves various uncertainties, it points out that the Turkish authorities accept that Syrians' settlement will be a permanent one.

2. Socio-economic and cultural aspects of Syrian migration

The settlement patterns of Syrian refugees in Turkey have changed with the increasing numbers of new arrivals. Since early 2013 most Syrian refugees have chosen to settle in towns and cities, due to how crowded the camps are, the entry barriers for those who arrive illegally, and preferences to live with relatives in Turkey (Icduygu, 2015). 90 per cent of Syrians prefer to take shelter in towns and cities, including the border cities and metropolitan areas, where they experience limited access to accommodation, social services, and job opportunities. Because of this, most of the Syrians living outside the camps experience difficult living conditions, they use social networks to find shelter in cities and towns, and work in the informal economy under exploitative conditions for extremely low incomes. Work permit regulation have had little impact upon Syrian refugees' access to the labour market as there are only 4,015 Syrian refugees were granted a work permit during 2015 and 13,298 have been granted a work permit in 2016.

Apart from the labour force, Syrian refugees contribute to the local economy through establishments. Some Syrians settled in cities have helped to reinvigorate the economy by the establishment of business in Turkey. For instance, there are many Syrian restaurants and cafes in Istanbul and Gaziantep. There are numerous Syrian businessmen contributing to the Turkish economy by investing their capital in Turkey (Orhan 2014). According to the Turkish Union of Chambers of Commodity Exchanges of Turkey (TOBB), during the first 12 month period of 2016, 4,523 companies with foreign partners were established. 1,764 of these companies had Syrian partners. Business run by Syrian refugees helped to create an environment for economic, cultural and social exchanges, and by offering employment opportunities to Syrian refugees, these businesses also assisted the economic integration of refugees (Simsek, Forthcoming).

The presence of large numbers of Syrian refugees in urban areas and the length of their stay have important social implications on the wider society. Due to the increased numbers of Syrian refugees in cities, there has been a change in demographics. For instance, Kilis is greater than the population of local people with 122,958 Syrian refugees. According to the DCMM's statistics in January 2017, the number of Syrian refugees living in the border cities and big cities is as follows: 408,469 in Sanliurfa; 456,846 in Istanbul; 379,689 in Hatay; 320,758 in Gaziantep; 122,958 in Kilis; 93,639 in Mardin; 102,099 in Izmir; and 68,499 in Ankara. Social integration of Syrian refugees is on the agenda of the state authorities. Additionally, many local people who have kinship ties with the Syrians provide them shelter and help them find jobs.

Due to the increasing number of Syrian refugees scattered across the cities and towns of Turkey, there are concerns about the large numbers and the permanency of Syrian refugees. Moreover, their visibility in the public sphere creates social tension between themselves and the local populations. Economic factors seem to be the main component of the reactions to Syrian refugees in Turkey, which leads to concerning social tensions. Since the spring of 2014, anti-Syrian sentiments have increased in Turkey. Turkish citizens who live in the cities where there are many Syrian refugees accuse them of being the cause for increasing rent prices, decreasing wages in the labour market, and rising social tensions. There have been demonstrations against Syrians in many cities in Turkey. The language barrier is one of the main issues that limit communication between the Syrians and the wider society.

Local people forcibly restrict Syrian refugees from public spaces in many cities. Discrimination against Syrian refugees is on the rise in the border cities of Gaziantep, Sanliurfa and Kilis, and has now spread to Kahramanmaras, Ankara, Izmir, Kayseri, Adana and Antalya. Many Turkish citizens, especially those among Turkey's poor, believe that Syrian refugees have been looked after with the taxes they pay, they blame them to steal their jobs, and claim they are burglars, beggars, criminals, and that they are culturally different; by not being modern, they create social tension. Xenophobic and racist discourse has become legitimized through such phrases.

Forms of racism and xenophobia are closely interlinked with the economic situation, as it has erupted in Europe. The content of racism is elided with that of difference. Public discourse against Syrian refugees is based on an 'us vs them' narrative. The public's concerns about Syrian refugees have to do with culture, values and sustainability. The mainstream media use and amplify these concerns about Syrian refugees living in cities. The vast majority of them live outside camps with limited access to basic services, having to survive under very challenging circumstances. Due to the increased number of Syrian refugees scattered across the cities and towns of Turkey, there are concerns about the large numbers and the permanency of Syrian refugees, and their visibility in the public sphere among Turkish citizens. The main native concerns are the economic situation and social tension.

Yet, Syrian migration to Turkey also has positive socio-cultural impacts. Marriages between Syrian and Turkish citizens might contribute to the integration of communities. Syrian children and early-comers start to learn Turkish, which might help to construct links with Turkish citizens. In analysing the socio-cultural implications of Syrian migration, it is important to

consider the heterogeneity of the Syrian population in terms of ethnicity, religion, class, gender and generation.

Box 2

The Role of UNHCR as the “integral part” of the Turkish asylum

The Office of the United Nations High Commissioner of Refugees in Turkey operates since early 1960s. Due to the geographical limitation maintained by Turkey to 1951 Refugee Convention this office has become an integral part of the Turkish asylum system since it has been providing a resettlement solution for non-European refugees for decade. Below is UNHCR’s official views on the current asylum issues in Turkey⁵⁰:

Registration and Refugee Status Determination (RSD)

□ □ **Verification of registration data of the 2.7 million Syrian refugees under Temporary Protection in Turkey:** The Directorate General of Migration Management (DGMM) and UNHCR will undertake a verification exercise, the first of its kind in Turkey. The exercise will aim to update and obtain missing information, including biometric data, contact information, and detailed background information on refugees as well as introduce verification as a continuous part of registration. The outcome will provide the Government of Turkey, UNHCR and other appropriate stakeholders with updated data that can be used to design evidence-based programmes for targeted assistance; promote education and access to employment, identify legal pathways and other durable solutions, such as family reunification, private sponsorship, humanitarian visa programmes, academic scholarships, etc.; and identify and assist persons with specific needs. The roll-out is divided into five phases covering the 81 locations where Syrians are currently present throughout Turkey.

□ □ **UNHCR is supporting the transition of Refugee Status Determination (RSD) activities into national procedures:** Following the coming into force of the Law on Foreigners and International Protection in April 2014, Turkish authorities are moving to integrate all activities related to RSD, largely carried out by UNHCR under its mandate over many years, into national procedures.

□ □ **Close to 12,000 cases (individuals and/or families) received a decision on their RSD from UNHCR** since the beginning of the year, with 93% being recognized. The main nationality was Iraqi, followed by Iranian, Afghan, and Somali.

Protection

□ □ **Asylum-seekers and refugees in urban areas in Turkey are accessing a broader range of services:** UNHCR is funding multiservice centres, community centres, women centres, and child-friendly spaces staffed with specialists to offer services to refugees spread across the 81 provinces of the country, including psycho-social support, legal and general counselling, language training and vocational training. These outreach centres strengthen protection networks and support community empowerment by enabling both host and refugee communities to utilize the resources available to address their needs.

□ □ **UNHCR’s Refugee Outreach Volunteer (ROV) project engages communities directly in protection responses:** outreach and awareness-raising by refugees themselves ensures persons with specific needs who normally cannot reach community centres/multi-service centres/protection offices are identified. This project complements and extends existing UNHCR coverage to refugees in 44 provinces through its presence and partners, as well as contributes to establishing an environment of trust while also empowering refugees to assist their own communities through effective information dissemination. The ROV project is rolled out in nine provinces so far including Istanbul, Ankara, Sanliurfa, Mersin, Batman, Bursa, Sakarya, Nigde and Isparta with an average of 9 RoVs per province including Syrian, Afghan, Iranian and Iraqi refugees.

□ □ **UNHCR is expanding protection monitoring of urban refugees living throughout the country:** outreach centres, implementing partners, UNHCR-led missions to satellite cities and focus group discussions contribute to monitoring the situation of refugees outside of the camps and to identify individuals with special needs, advocacy, protection interventions, targeted assistance and information sharing. UNHCR is also building capacity of protection partners and expanding their presence for individual case management, referrals and follow-up.

□ □ **UNHCR collaborates with partners to enhance SGBV prevention and response:** UNHCR continues to act as the secretariat of the SGBV working group, which is co-chaired by Ministry of Family and Social Policy (MoFSP) and AFAD, while co-chairing the SGBV sub-working group in Gaziantep with UNFPA. UNHCR also

⁵⁰ UNHCR Factsheet-Turkey United Nations High Commissioner for Refugees (UNHCR) – www.unhcr.org

developed inter-agency SOPs on Prevention and Response to SGBV in cooperation with UNFPA, government officials, NGOs and other UN agencies within the Protection sector. Additionally, UNHCR created training modules on SGBV identification and referral mechanisms as well as produced leaflets on early marriages, forced marriages, and domestic violence, with more than 100,000 copies printed in Arabic, Turkish and English and disseminated to refugees, local stakeholders including governmental authorities, implementing and operational partners. Translations into Farsi have also been completed and will be disseminated in the last quarter of 2016.

UNHCR supports national authorities and local (NGO) partners to identify children/youth at risk, and strengthen prevention and response mechanisms: Continued access to national child protection services for unaccompanied and other children-at-risk is critical; child labour remains an area of serious concern. UNHCR Istanbul has been in close coordination with provincial authorities such as the Ministry of National Education, the Ministry of Family and Social Policies, and NGOs to strengthen existing national child protection mechanisms to address child labour. Referrals are done to national systems to ensure children benefit from existing protection mechanisms as well as to facilitate their access to social services and education.

Education

UNHCR bolsters the efforts of the authorities to ensure access to education for school-age children: UNHCR supports the response coordinated by the Ministry of National Education through community outreach on educational services available; provision of education and stationary materials to Temporary Education Centres as well Turkish language support, which also targets students who do not meet language proficiency requirements to accede to higher education.

UNHCR in partnership with the Presidency for Turks Abroad and Related Communities (YTB) is providing scholarships for advanced Turkish language programmes: high school graduates can benefit from these programmes in order to enable them to meet language proficiency requirements for enrolment in higher education. UNHCR has already offered around 1,600 scholarships for the intensive, 10-month accredited Turkish language programme, and will expand the programme in 2016/17 as well as provide subsistence grants.

Providing higher education scholarships through UNHCR's DAFI Turkiye scholarship programme: A total of 1,000 new scholarships places have been awarded for 2016/17 for Syrians that cover tuition and accommodation costs and provide stipends for living costs, local transportation and academic books. Almost 6,600 applications were received; the selection process will be finalized in September.

Health

UNHCR expands assistance to the overstretched Turkish healthcare system: UNHCR delivered 40 ambulances and a mobile clinic to the Ministry of Health to be able to offer health services to persons of concern in remote locations, or to be deployed in the event of an emergency. UNHCR also provided close to 120,000 hygiene kits to address some of the health needs of the refugee population.

UNHCR provides interpreters and trainings to hospitals to improve service delivery: Language continues to be a barrier to providing quality services in healthcare facilities throughout Turkey. In order to overcome this obstacle, UNHCR provides interpreters to hospitals located in areas with a large Syrian and / or Arabic speaking refugee population. Interpretation support to non-Arabic speaking refugee population is provided through partners in various provinces. UNHCR has also been delivering trainings on international legal protection and national legislation related to health issues for the Turkish Ministry of Health staff working at hospitals in south eastern cities to strengthen understanding, harmonize dissemination of information and consistent implementation of legislation.

Basic Needs and Cash-Based Initiatives

UNHCR continues to provide core relief items to those most in need in urban areas: as part of its support to refugees living outside camps, UNHCR, through partners in the field, distributes blankets, hygiene parcels, kitchen sets, mats, sanitary napkins, and jerry cans.

Around 54,000 Syrian and Iraqi refugee households living in camps will receive clothes for the 2016/17 winter season. AFAD will conduct distributions in the camps.

UNHCR also implements cash voucher and cash assistance programmes for the most vulnerable refugees: Within the framework of UNHCR's annual winterization programme, in 2016, UNHCR will assist 70,000 Syrian and 13,000 non-Syrian refugee households with one-off cash assistance. In continuation of its longstanding cash assistance to non-Syrian refugees, UNHCR also plans to provide regular cash assistance to over 8,300 Syrian refugees households and 800 Iraqi, Afghan, and other nationality refugee households.

UNHCR provided over 5,000 replacement tents to AFAD-run camps in 2016.

Camp Coordination and Camp Management

□ □ **UNHCR supports AFAD in the management of camps in southeastern Turkey:** UNHCR ensures regular staff presence in all of the camps to offer technical assistance on registration, camp management, identification of vulnerabilities, other protection concerns and to monitor voluntary repatriation. UNHCR has also deployed staff to the camp areas in order to provide additional expert technical support on education, health and nutrition, water and sanitation and site planning. UNHCR's core relief item assistance includes shelter, winterization needs, vocational training programs or materials for people with special needs (see Basic Needs). UNHCR also provided 221 WC and shower containers to the various camps since the beginning of the year.

Community Empowerment and Self-Reliance

□ □ **UNHCR makes self-reliance a priority in 2016:** through the promotion of skills development, employability, and access to the labour market UNHCR is seeking to empower refugee communities, local NGOs, national institutions and other partners to develop their capacities and resilience to be able to respond to immediate and longer term needs. This will counter destitution and negative coping mechanisms as well as promote resilience and social cohesion. The 3RP co-led by UNHCR and UNDP continues to be a viable planning and delivery tool taking into account the linkages between the humanitarian and resilience aspects of the refugee response.

□ □ **UNHCR is addressing increasing livelihood needs:** in a project coordinated with the Ministry of Labor and Social Policy and IMPR employers, governmental institutions, I/NGOs and refugees under temporary protection are being targeted through awareness raising, life skills training, capacity-development and counselling on work permits. A Livelihoods Centre was established in Istanbul in partnership with IMC that will provide training and career counselling, life skills/job skills training sessions, and support applications for vocational training. The Centre will serve as an incubator for startups by providing entrepreneurship training.

Resettlement

□ □ **UNHCR conducts resettlement on the basis of a rigorous prioritization** of cases with most acute vulnerabilities or protection risks. UNHCR has submitted nearly **20,750 refugees** for resettlement since the beginning of the year. UNHCR is currently expanding access to resettlement counselling through a variety of means (phone, in-person, online, etc.) and has responded to resettlement queries of around 8,150 refugees through 23 September 2016.

CHAPTER III - THE INTEGRATION GAP OF THE TURKISH TEMPORARY ASYLUM SYSTEM

As it has been argued in various places above, the maintenance of geographical limitation does not leave any room for a comprehensive integration scheme in line with the international standards. Since the main assumption of the Turkish asylum regime to rely on durable solutions outside Turkey is not a realistic one in the face of more than 3 million people who need international protection. Nevertheless, the Turkish system establishes some systems resembling integration schemes to support a sustainable life though much lower than acceptable.

The Turkish government spent around 20 billion US dollars for Syrian refugees alone, as stated by President Recep Tayyip Erdoğan. These efforts focused during the early years of the crisis on camps and the healthcare for both camp and non-camp populations of the Syrian refugees. The government's attention started to shift to the problems of Syrian refugees in urban areas especially since 1915 when the secondary movement of refugees to Europe started. Under the coordination of the office of the Prime Minister, Turkey developed towards the end of that year an action plan ranging from work permits to special healthcare system for Syrians and modifications of the education system. These efforts have been started to be supported by UN and EU assistance.

Following the Turkey-EU Statement in March 2016, the EU Facility for Refugees in Turkey provides a joint coordination mechanism for actions financed by the EU budget and national contributions made by the Member States, designed to ensure that the needs of refugees and host communities are addressed in a comprehensive and coordinated manner. The resources of the Facility come from the EU budget and from EU Member States over 2016 and 2017, amounting so far for €3 billion over two years. Of the overall €3 billion, €2.2 billion have so far been allocated, for both humanitarian and non-humanitarian assistance. Of the €2.2 billion allocated, €1.3 billion have been contracted. Of this €1.3 billion, €677 million had been disbursed at the end of December 2016.

Despite all these efforts, increased public spending and improvements in some areas, integration as an overall solution to the refugee problem is still remote, due to the lack of a national legislation acknowledging the need of integration. The part below summarises gaps in Turkish practice in the areas of: Recognition of Legal Residence and Related Rights; Wage-Earning Employment, Self-Employment, Liberal Professions; Housing; education; Public Relief, Social Security and Healthcare; Family Unity and Family Reunification; and Identity Papers and Convention Travel Documents

Part I

1. Recognition of Legal Residence and Related Rights

According to Article 69 of the Law, the residency status accorded the applicants is a short term “application registration” document valid for thirty days. According to Article 71 of the Implementation Regulation, this application registration ID card shall be considered to replace the residence permit. This document indicates that the person is an international protection application. The registration document would be extended with a thirty-day validity periods when necessary. The registration document shall enable applicants to stay in Turkey and issued without being subject to any fee. According to Article 71 of the Law, administrative obligations may be imposed upon the applicants such as to reside in the designated reception and accommodation centres, a specific location or a province as well as to report to authorities in the form and intervals as requested. The applicant shall register with the address based registration system and report her/his domicile address to the governorate.

The Law assumes that during this period, the RSD decisions would be reached by DGMM. Furthermore, Article 78 (1) of the Law stimulates that the [assessment of the] application shall be finalised no later than six months as of the date of its registration by the Directorate General. Where a decision cannot be reached within this period the applicant shall be informed. In case of a negative RSD decision, the concerned person, his/her legal representative or lawyer may appeal to the International Protection Assessment Commission within ten days as of the notifications. The Law and the Implementation Regulation provide 15 days to appeal. The appeal court is requested to decide on the case within fifteen days. The decision of the court shall be final. The person shall be allowed to stay in the Turkey until the completion of the review process or judicial proceedings. As for the case of applicants, Article 82 stipulates that for reasons of public security and public order, the Directorate General may require conditional refugees and subsidiary protection beneficiaries to reside at a given province and report to authorities in accordance with determined procedures and periods. Meanwhile, Article 83 of the Law restricts the validity of the identity document to be issued for Refugees (Europeans) for 3 Years and for Conditional Refugees and the beneficiaries of the subsidiary protection for 1 year. According to Article 85, the subsidiary protection status shall also be terminated when the circumstances upon which the status has been granted no longer apply or have changed to an extent that the protection is no longer needed. Nevertheless, whether the changes in the circumstances that led to the granting of subsidiary protection are of a significant and permanent nature shall be taken into account. It is open-ended since the circumstances upon which the status of the subsidiary protection has been granted may last many years for cases such as Afghanistan and Somalia citizens in Turkey.

As in the case of the Application registration ID card, Article 90 of the Implementation Regulation stipulates the issuance of a new International Protection ID card after the RSD

interview is conducted. This card also is a substitute to a residence permit and the owner of this card does not have to apply for residence permit.

The Temporary Protection Regulation of 2014 provides details for the rules to be implemented in cases of mass influxes of refugees. Accordingly, based on Article 91 of the Law, the Council of Minister is authorised to take a decision to start temporary protection regime and to end it. In case of a decision by the cabinet of ministers upon the arrival of people in large groups, they will be taken into reception centres for registration and early medical checks (Article 19 of the Temporary Protection Regulation). Later, the refugees who were provided with ID cards, are moved to the “temporary accommodation centres” (Camps) either directly from the reception centres or indirectly from the cities where they are settled for short time (Article 23). If there is no threat to the public security, public order or public health, the DGMM may let them settle in the cities instead of the camps. The ID cards for Temporary Protection is not equivalent to the residence permit and does not allow the bearer to reside in Turkey in the long-term (Article 25).

While the long-term residence permit is considered in international refugee law and practice as essential to give an opportunity for the beneficiaries of the international protection, in Turkey there are strict time limitations in the Law, which evidences the absence of an integration concept in the Turkish system. Furthermore, the restriction on the freedom of movement of conditional refugees, beneficiaries of subsidiary protection and beneficiaries of temporary protection may be regarded as a big obstacle to any ad hoc integration. It does not give refugees named under these categories the freedom to choose a city to live where there are better employment or education opportunities or higher chances of better housing.

1.1. Naturalization (Article 34)

While granting of national citizenship is the most durable and often most desirable long-term solution for a person wishing to end his refugee status in International Law, the term Harmonization is used in the Law as a substitute to the integration. Furthermore, there is no provision on naturalisation. Even for Refugees, this is not mentioned as a permanent solution although in the past it was known that some European refugees from countries like Bosnia, Greece, Azerbaijan and Bulgaria gained Turkish citizenship. There is also no provision in the Law or secondary asylum Law about obtaining the citizenship by other means such as marriage, or being a child of a foreign spouse married with a Turkish citizen. However, these issues are dealt with in the Law on citizens and there are ways to gain Turkish citizenship.

The Temporary Protection Regulation clearly excludes the holders of the Temporary Protection ID card from applying to Turkish citizenship and states that, “the period of stay in Turkey under Temporary protection shall not be added to a required total period to reside in Turkey to apply for citizenship” (Article 25).

1.2. Assimilation / Integration

As mentioned above, the word *integration* does not exist in Turkish Law, while the word *harmonization* is described in Article 96 of the Law as activities between the beneficiaries of international protection and the host society. The same Article goes on to include into definition activities to equip refugees with the knowledge and skills to be independently active in all areas of social life without the assistance of third persons in Turkey or in the country to which they are resettled or in their own country. The Law also suggests foreigners to attend courses where the basics of political structure, language, legal system, culture and history of Turkey as well as their rights and obligations are explained. The Directorate General could promote the courses related to access to public and private goods and services, to education and economic activities, social and cultural communications, and to primary healthcare services, as well as awareness and information activities, through distant learning and similar means in cooperation with public institutions and agencies and non-governmental organisations.

Guarantees for effective and equal or most favoured treatments for harmonization do lack. Indeed, with limited time allowed for the beneficiaries of international protection, not even the residence permit of any length, integration is unrealistic. Furthermore, neither the Law nor the Implementation Regulation and the Temporary Protection Law mentions Article 34 of the 1951 Convention. However, in practice, after more than two years, the RSD processes are far from meeting the timelines foreseen by the Law. The waiting for periods interviews, evaluations, the appeal procedures already exceeded by far. DGMM hasn't been able to employ its own interpreters and relies heavily on the interpreters provided by UNHCR.

2. Wage-Earning Employment, Self-Employment, Liberal Professions

The Turkish Law does not refer to Articles 17, 18 and 19 of the 1951 Convention. Neither has it referred to other international and regional instruments which recognize the right to employment. The title of Section Three is "Rights and Obligations". Under this section, Article 89 is about the access to the labour market. In contrast to the Section heading, the paragraphs under this Article mention restrictions and permits. For example, Paragraph (a) reads:

An applicant or a conditional refugee may apply for a work permit after six months following the lodging date of an international protection claim.

In contrast, paragraph (b) stipulates better conditions for Refugees and the beneficiaries of subsidiary protection:

b) the refugee or the subsidiary protection beneficiary, upon being granted the status, may work independently or be employed, without prejudice to the provisions stipulated in other legislation restricting foreigners to engage in certain jobs and professions. The identity document to be issued to a refugee or a subsidiary protection beneficiary shall also substitute for a work permit and this information shall be written on the document.

Paragraph (c) imposes other restrictions driven from other laws and is not align with the international standards:

c) access of the refugee and the subsidiary protection beneficiary to the labour market may be restricted for a given period, where the situation of the labour market and developments in the working life as well as sectorial and economic conditions regarding employment necessities, in agriculture, industry or, service sectors or a certain profession, line of business or, administrative and geographical areas. However, such restrictions shall not apply to refugees and subsidiary protection beneficiaries who have been residing in Turkey for three years; are married to Turkish citizens; or, have children with Turkish citizenship.

The temporary protection regulation allows the beneficiaries of temporary protection to apply for a work permit to work in the areas determined by the council of the ministers (Article 29-1).

The Ministry of Labour issued on January 2016 a regulation on the work permits related to the beneficiaries of the temporary protection...

Part 6 of the Temporary Protection Regulation covers the services that are provided to the beneficiaries of temporary protection. Articles 26 to 32 regulate the access to such services as health, education, labour market, social assistance, translation and custom processes. In the temporary accommodation centres, Article 38 states that beneficiaries are to be provided food, shelter, health, education and similar services.

According to the provisional Article 1 of the Temporary Protection Regulation, the citizens of Syrian Arab Republic, the stateless persons and refugees who had been living in Syria will benefit from the temporary protection if they arrive to Turkey in large groups or individually since 28 April 2011. The main elements of the regulation are (i) foreigners may obtain work permits six months after the date they register for “temporary protection,” in the provinces where they are permitted to reside, (ii) they cannot be paid less than the minimum wage, (iii) they cannot exceed 10 percent of the Turkish citizens employed at a workplace, (iv) seasonal agricultural or livestock breeding activities are exempted from work permits, and (v) they can participate in vocational training or on-the-job training.

There has also been a significant increase in the number of enterprises with Syrian partners in recent years. It is clear that investments and business initiatives by Syrians will contribute to employment, foreign trade, and economic growth at the national and local level. Yet, a workshop organized by the ILO to discuss the problems of Syrian employers, entrepreneurs, and workers has shown that Syrian investors face problems related to opening bank accounts, a lack of guidance and information on legislative arrangements, travel restrictions, and language barriers.

Four months after the issue of a work permit regulation for the beneficiaries of temporary protection, the government issued a Regulation Relating to the Work Permit of the Applicants and the Beneficiaries of International Protection on 26 April 2016.

3. Housing

The Turkish asylum system, reinforced by the Law, does not contain any provision regarding housing. One exception to this is the camps, as termed by “Temporary Accommodation Centres” envisaged in the Temporary Protection Regulation of 2014. Paragraph (e) of Article 3 of the Temporary Protection Regulation describes Temporary Accommodation Centres as “the centres to be built to meet collectively the shelter and nutrition needs of the foreigners under the coverage of this regulation”. The Temporary Protection Regulation foresees camps as the main mode of accommodation during the mass influxes and the consequent temporary protection regime. Article 23 (1) of the same Regulation states that “the foreigners under the coverage of this regulation shall be transferred after taking into account of the information on the capacities received from AFAD in the shortest possible time and with the coordination of the governorates, either directly from the transfer centres or after being settled in the cities, to the temporary protection centres by the Directorate General on Migration Management.”

As of 20 December 2016, a total of 258,148 persons from Syria are accommodated in 23 temporary accommodation centres in 10 provinces. In these centres, the majority of the housings are tents while the number of containers is increasing. Out of 258,148 persons, 97,084 are living in container camps, while 161,064 persons are living in tent cities. In the absence of independent visits to the camps, the level of “winterisation” is not easily verified. Many people have been living in tents in extreme hot during summers and an average of minus 2 to minus 3 degree in the winters for six years.

In the Law, Article 71 (1) mentions the reception and accommodation centres for beneficiaries of international protection, where the applicants for the international protection may be imposed to reside. Section Three of the Law concerns the “Rights and Obligations”. Article 95 (1) sets as a rule that “Applicants and international protection beneficiaries shall provide their own accommodation.” But the following paragraph of the same Article states that DGMM may establish reception and accommodation centres to meet the accommodation, food, healthcare, social and other needs of applicants and international protection beneficiaries.

The Implementation Regulation refers to two by-Laws of 22.4.2014, one relating to the “Rules and Guidelines of the return and reception centres” and the other on to the establishment management, Administration and operationalization of the Reception and Return Centres.

Turkey was planning to open about six refugee reception centres under EU Standards with an overall capacity of 7,000 persons. However, these plans were suspended and most of the newly built centres turned out to be return centres. As of December 2016, Turkey has 19 return (*Removal*) centres with the capacity of 6,000 persons and the government is planning to increase its capacity to 17,000 persons by October 2017. Contrary to these centres, Turkey has currently two reception centres with the overall capacity of 175 persons under international protection. This does not include temporary accommodation centres for Syrians.

On the other hand, in city centres municipalities, governorates, particularly the Social Solidarity Directorates and NGOs are providing very limited and mostly an one-time rent assistance to the neediest persons.

The new program, initiated by the Turkish Red Crescent Society and WFP to provide monthly cash assistance through a voucher card system, called “Kizilay Cards”, started to distribute 30 US Dollars per Syrian refugee in November 2016. This is hoped to continue for one year and cover 1 million refugees. The amount is funded by EU resources and it is expected to provide a relief for refugee families to cover for their rents.

Housing is a very important factor that effects the use of other rights and services. The majority of refugees, whether they are the beneficiaries of temporary protection, like Syrians, or persons under international protection, face serious difficulties in finding proper housing. Bad housing conditions affects negatively health, nutrition, education and social harmonization as a domino effect. Most of the refugees are living in abandoned houses at the margins of cities and cannot have proper heating, tap water, electricity and sanitation.

When President Recep Tayyip Erdoğan mentioned in early July 2016 that the TOKİ, the giant housing and construction institution, could provide housing for Syrians, there was a widespread discontent among the local population. The opposition parties strongly criticized the President on the grounds that the majority of Turkish citizens do not benefit from these public housing programs.

As this discussion suggests the Turkish international protection/asylum system is far from providing Syrians and other categories of refugees, the housing conditions requested by Article 21 of the 1951 Refugee Convention.

4. Education

Article 28 of the Temporary Protection Regulation does not guarantee the right to education. Instead, it lists some services that might be performed by different state institutions for the different age groups of people benefiting the temporary protection. Turkish legislation related to education states that all children, including foreign nationals, have the right to benefit from free “basic education.” Basic education, which is up to grade 12, is mandatory under Turkish law. This obligation of providing basic education for children of non-European refugee families is not driven from the 1951 Refugee Convention but rather from the fact that Turkey is a signatory of the UN Convention of the Rights of Children. Turkey accepted in 1999 to extend its obligation to provide basic education for all children of asylum seekers and refugees. In the satellite cities under the 1994 Regulation, refugee children were allowed to attend primary schools.

The education system for Syrian children evolved in a different way. Currently out of the 835,000 school-age Syrian children in Turkey, 463,000 attend public schools and Temporary Education Centres (Herein after referred as TECs). The school enrolment ratio in early primary education is extremely high, around 99 percent. Girls constitute 50.4 percent of the Syrian students.

Since 2011, the management of the education services for Syrian children have faced dilemmas. There was no legislation on the education for Syrians until the Circular on Education was issued

in September 2014. From the onset, the government cooperated with UNICEF to open education facilities in the Camps. The schools in the camps were not regular schools and the curriculum has developed by modifying the Syrian curriculum. The language is in Arabic and the teachers were provided among the educated camp residences. Their salaries are paid by UNICEF. These schools are not part of national education system and are not recognized internationally. In the camps, there have also been non-formal educational activities.

Figure 8 Types of education and schooling in Turkey for Syrian refugees (2015)⁵¹



Even though the right to education is available for all under Turkish law, Syrian refugees living in cities had difficulties enrolling their children into the public-school system, mainly because of a lack of any clear regulation indicating the formal procedures for the enrolment of students. There have also been practical limitations such as language barriers and lack of space in the classrooms. Growing concerns about the education of Syrian children led to the release of Turkish Ministry of Education Circular No: 2014/21 on “Education Services for Foreign Nationals” on 23 September 2014. The circular aimed to guide and better frame the application process for all migrant children to have access to education services and it specified options for Syrian refugee children. First, the circular provides for the establishment of Ministerial and Provincial commissions to publish reports that focus on the educational needs of foreigners and ensure coordination between civil society organizations and/or international organizations (stakeholders) and public institutions. Moreover, the Provincial Commissions are responsible for guiding and implementing the application process for educational services for foreigners.

⁵¹ How does Turkey school 1,3 million Syrian children? By NEOnline | IR. 10 November, 2016

They determine to what educational institutions the children will attend on the basis of the diplomas and education certificates they hold.

An alternative option for children of Syrian refugees, besides public schools, is to enrol into Temporary Education Centres (TECs), which are available in urban areas and in some refugee camps. [17] TECs follow modified Syrian curriculum and are taught in Arabic. In fact, the need for such centres mostly arose because of the aforementioned language barriers the children face in public schools. These centres are monitored by Provincial Commissions in order to take the measures necessary to implement certain courses and trainings such as teaching Turkish, providing extensive vocational training, and arranging social and cultural activities. Furthermore, the Ministry Commission coordinates with civil society institutions and/or international institutions to help meet the educational needs of foreigners coming to Turkey, including its implementation in TECs. For instance, UNICEF is providing incentives to Syrian voluntary teachers and training them on pedagogical techniques, classroom management, and psycho-social support. Even though the Syrian families opt to enrol their children in these TECs because the students attending these centres share the same culture and language, challenges still exist. The most important caveat is that some TECs are not accredited by the Turkish government due to the low quality of teaching. The travel costs to these centres seem to be a problem for urban refugees, which is why the International Organization for Migration [IOM] is providing transportation to school for urban refugees in some areas.

Providing education to millions of children who ended up in Turkey as a result of a six-year civil war with no foreseeable end in sight, is crucial to prevent the loss of a generation – or generations. However, there is another dimension to the matter which is just as important as the humanitarian one, and that is security. Education is the only way for these children who escaped from war, took refuge in another country, and experienced violence and significant traumas to make a life for themselves. Providing education is their (and Turkey's) only chance to protect them from being an easy target for criminal organizations and terrorist groups.

The number of school age Syrian refugees is about one million; however, only half of them currently go to school. 50 per cent of elementary school level children do not attend school, 50 per cent of those at the middle school level do not attend school, and 75 per cent of those at high school level do not attend school. The Syrians who do attend school either go to Turkish state schools, Temporary Education Centers (TECs) for Syrians, or other private Syrian schools. Let us take a look at the current situation in these schools.

Syrian refugees have the right to enrol in and attend Turkish state schools on the condition that they are registered under the Temporary Protection Regulation. The official number of Syrian refugee children that attend Turkish state schools is 100,000. There are various reasons for this low number. The most significant is that only a small portion of refugees speak Turkish well enough to receive an education. Another important cause is that Syrian families do not give consent to their children to receive an education in a language and context that they themselves do not understand. Other reasons include Syrian students' inability to provide documents required for enrolment in Turkish schools, Turkish parents' reluctance to their enrolment, and the difficult position of Turkish school authorities who are obliged to enrol these children in

lower grades because they have been out of school for a long time and have experienced traumas.

The majority of Syrian refugee children attend Temporary Education Centres (TECs), but these centres will not accept new enrolment for the first grade starting in the 2016-2017 academic year. According to the new regulations, enrolment in Turkish state schools is compulsory for children who will start school starting this academic year. Nevertheless, the numerous above-mentioned obstacles prevent Syrian children to benefit from the opportunity of going to Turkish state schools. As it stands, in cases where they cannot enrol in TECs, it is impossible for some children to attend any type of school.

According to relevant provisions of the Regulation on Preschool and Elementary Education Institutions Affiliated with the Ministry of National Education (Milli Eğitim Bakanlığı – MEB), courses and programs can be organized for the beneficiaries – particularly Turkish – outside school hours. For students who have been out of school for a long time, this allows them to keep up with their grade level and not lag behind. Additional course fees for teachers who take part in such activities are being assessed based on the provisions of Article 8 of the Resolution on Course and Additional Course Hours of Teachers and Administrators Affiliated with the MEB.

On the other hand, children who currently attend TECs face other issues with regards to their education, namely of three natures: administrative problems; those related to educators; and curriculum issues.

The lack of administrative centralization, as well as the lack of inspections constitute the biggest problems administratively. Additionally, there is no standardized education system for educators. Another problem faced by students that attend these TECs is related to the certification of education they receive. The certificates given by these schools must be certified by the MEB. Among the problems related to Syrian educators, two stand out in particular: teachers that are unqualified in terms of experience and skills; and the lack of facilities provided for teachers. Without proper inspections and administrative coordination, a portion of teachers serving in TECs work under false documents and diplomas. Those who have authentic diplomas and educator certificates are not able to obtain certificates of equivalence or verify the authenticity of their documents. Also, the absence of legislation addressing the qualifications for being accepted into the position has led to the employment of some teachers lacking the professional skills and experience. In order to overcome this important problem, the MEB has initiated vocational training programs for teachers serving in TECs early in this academic year.

Another challenge is that teachers serving in TECs do not have work permits or job security. This naturally shakes their confidence into their future and decreases their motivation. The financial reward for this highly demanding occupation is also far from satisfactory. Incentives given by UNICEF, which are only enough to be allocated to 12,600 of the teachers, are low for the minimum standard of living in Turkey, making it impossible for teachers to get by, which is discouraging to say the least. The MEB has announced that improvements will be made on this matter starting in 2017.

When it comes to the curriculum and content of the education provided in these TECs, the main issues are as follow: These education centres use a version of the curriculum used in official Syrian schools, which has been altered with the omission of some sections that are not approved by both the Turkish and the temporary Syrian government, as well as the addition of new sections. This means that the curriculum has a philosophy based on outdated ideas like the single-party state, a weak systematical structure, and unreliable content on subjects such as history and Arabic. Furthermore, there are complications with the provision of educational materials and books.

Although TECs are scheduled to close in three years, the MEB continues to provide vocational training programs for Syrian teachers, which suggests that official policies aim to provide a special education system for Syrians. Therefore, in order to meet Syrian refugee children's urgent educational needs, improvements should be made to the quality of the education provided and the educators employed, as well as increased accessibility in order to reach more children. This document suggests the following ways to achieve the latter:

First of all, a high committee or commission must be created to address the problems faced by Syrians regarding education. It should propose decisions or solutions on education policy, implement the applicable policies and rules, and be responsible for the education of Syrian refugees. This high committee must include representatives of the Republic of Turkey, the MEB, the Temporary Syrian Government Ministry of Education, and NGOs, and should be responsible for the following:

Given that 640,632 Syrians in Turkey are between 14-24 years old, and that only 9,480 Syrians are currently enrolled in Turkish universities, it is essential to leverage Turkey's burgeoning higher education sector by enabling Syrians to study at universities around the country.

The Temporary Protection Regulation states that the ministry of education is responsible for the oversight of education activities for pre-school and school aged children, while the higher education Council (YOK) is responsible for issues related to tertiary education access. The Government has taken a number of steps to facilitate access to higher education by Syrian youth living in Turkey, including the waiver of tuition fees in State universities for academic years 2013-2014 and 2014-2015, 2015-2016 and the provision of over 1,000 scholarships for Syrian youth in 2015. The "Turkiye Burslari" (Turkey Scholarships) programme is administered by the Presidency of Turks Abroad (YTB) who introduced a special program in 2014 that aims to provide 5,000 scholarships to Syrian youth over five years. Amongst Syrian youth in Turkey, there is a high demand for post-secondary education as evidenced by the large number of applications for the Turkiye Burslari programme for undergraduate scholarships. YTB reported that over 18,000 applications were received from Syrian students wishing to pursue undergraduate studies in Turkey in 2016. In spite of the enabling environment, there are still barriers to have access to education such as meeting language requirements, lack of familiarity for enrolment (for example being able to present original high school diplomas or passports), lack of recognition of courses completed in Syria, and difficulties in covering the costs associated with university study such as books, transport and accommodation.

Refugees from countries other than Syria face additional barriers to university access as they are expected to pay “foreign student” fees which can range from 500 to 1500 USD per student. Some universities also require that non-Syrian refugees show a valid passport when enrolment at university and do not recognize government-issued residence permits as valid identification for enrolment or admission to university entrance examinations. Low secondary school completion rates also affect access to university.

A number of different governmental and non-governmental organizations, and institutions are offering scholarship opportunities for Syrian and other refugee students to access higher education. UNHCR strongly supports access to higher education. One of the key objectives of UNHCR’s education Strategy (2012-2016) is to “improve access to higher education opportunities for refugee young people” by increasing opportunities for refugee youth to benefit from higher education programmes at colleges, universities and post-secondary technical, vocational or para-professional institutions, leading to certificates and diplomas. UNHCR’s DAFI scholarship programme for Syrian refugees is managed by the Presidency for Turks Abroad (YTB). In 2016, the DAFI programme in Turkey became the largest DAFI programme in the world, with 750 new students being awarded scholarship.

5. Public Relief, Social Security and Healthcare

At the legislative level, Turkey recognized refugees, conditional refugees, beneficiaries of the subsidiary protection and beneficiaries of the temporary protection the right to access state public relief benefits. Article 88 of the Law states that International protection beneficiaries shall not be subject to the reciprocity principle. Paragraph 2 of the same article uses a negative expression: while the Refugee Convention states that “the same treatment with respect to public relief and assistance as is accorded to their nationals”, the Law says “the rights and benefits granted to applicants, persons whose application has been refused or international protection beneficiaries shall not be construed to provide more rights and benefits than those accorded to Turkish Citizens.”

Article 106 of the Implementation Regulation describes the criteria for social assistance for the applicants (asylum seekers) and beneficiaries of international protection. This is based on needs assessment and to be determined by the governorates. Housing conditions, regular revenue, the number of dependent family members, having a real estate in Turkey or in the country of origin, the possibility of receiving assistance from the relatives or friends living abroad, membership to a health insurance, having any disability or a chronic illness are the criteria listed in the Article to determine whether or not the person is eligible for assistance. The expenses of applicants and beneficiaries of the international protection who are not under a social security scheme or unable to cover the membership fees of such schemes, are to be covered under the provisions of Social Security and General Healthcare Insurance Law. Article 109 of the Implementation Regulation is about the cash assistance to be provided for the needy persons in accordance with the rules set by the Ministry of Finance.

Section Six of the Temporary Protection Regulation lists the services that may be provided for the beneficiaries of temporary protection. The list includes education, health, access to the labour market and social assistance. The cost of health services to be provided by AFAD, according to the Regulation.

Changes Provided by Temporary Protection Regulation published at the DGMM Website in 2016, regularised the legal stay of foreigners who are issued a temporary protection identification document and it ensured the following services for the beneficiaries of temporary protection: medical care, education, access to labour market, social welfare, interpretation and similar services. This document aims to accelerate the registration of the beneficiaries of Temporary protection, thus restricts the access to such services to those who do not complete the registration procedures.

The provisions of applicable laws and regulations shall be applied to all procedures related to children by taking into account the best interests of them. Healthcare services, psycho-social support, rehabilitation services and any other assistance and support shall be provided for any foreigner, particularly unaccompanied children, who is subject to this Regulation and has special needs, without being subject to any fee. Priority shall be given to the extent permitted by the availability of resources.

The initial secondary law arrangements for Syrians came out as early as June 2011 in the health sector. With these arrangements, the Syrians were covered under the public healthcare system. These measures were reinforced later by the Temporary Protection Regulation. Their medicine expenses were also covered by the public funds. In practice, the Syrian refugees in Turkey benefited from healthcare services. They could receive medical care at the public hospitals. Private hospitals and other private medical centres were excluded from the healthcare system for Syrians. This has created a situation of overcrowds especially in the hospitals in cities where refugees live in large numbers. This caused tensions among the local people who had to wait longer in cues to see doctors. Language barriers between doctors and patients reduce the quality of the services. In order overcome these difficulties, the government planned to open first-degree health clinics where the Syrian doctors and nurses among the refugee community would be employed.

Regarding work permits and social security, the Government issued a regulation for the rules on work permits for Syrians in January 2016. Since then, 11,102 Syrian nationals (as of 15 November) have received work permits in 2016. This figure also indicates low level of social security benefits.

Any person holding a temporary protection ID may apply to the Ministry of Labour and Social Security in order to obtain a permit for working in industries, sectors, and geographical areas (province, sub-province, or village) to be designated by the Council of Ministers.

Any foreigner who is subject to this Regulation may enter into a subscription agreement related to other services, including electronic communication services by using his or her temporary protection ID.

Article 27 guarantees free emergency and primary healthcare and provides free translation services. The regulation also includes clauses on the right to education, work and social assistance however the decisions and necessary regulations on these rights are delegated to the relevant ministries.

Any foreigner who is subject to this Regulation may be provided with medical care, education, access to labour market, social welfare, interpretation and similar services. Besides, any foreigner who cannot benefit from the temporary protection because of the fact that they do not complete the registration procedures and are subject to Article 8, will be restricted from accessing such services.

Many Syrians already actively participate in the workforce and face many problems in the labour market, such as unsafe working conditions, informal employment, a rise of child labour, and the language barrier. Syrians are mostly employed informally in low skilled jobs in seasonal agricultural, construction, manufacturing, and textile sectors. The limited access of Syrians to formal employment led to a growth in informal employment. In turn, this has resulted in increased competition for jobs and downward pressure on wages in sectors where the majority of Syrian refugees are working informally since they are paid less than the minimum wage.

Regarding the employment of Syrians, an ILO field research study conducted with 579 enterprises and 1,592 Turkish workers in Şanlıurfa found that 27 per cent of the businesses surveyed employ Syrians; 33 percent of Syrians are earning below the minimum wage; 60 percent of employers indicate that they can employ Syrians if there is a need; 32 percent say they would never employ Syrians; 64 percent say they would employ Syrians if there is state support; 50 percent regard language as the biggest obstacle.

According to Article 23 (1) Regulation Relating to the work Permits of Applicants and the Beneficiaries of International Protection, foreigners who are granted work permit and their employers are required to respect the provisions of legislation on social security.

6. Family Unity and Family Reunification

The Turkish asylum legislation handles the issue of family reunification under three categories: 1) Provisions, when refugees are in the Territory of the country, that aim to keep the family unity in the facilities like removal centres, reception centres and temporary accommodation centres; 2) Provisions regarding application processing for family members, either as one family file or files of separate members of the family; 3) Efforts to bring to Turkey family member(s) who reside abroad, if requested.

The Law describes “family members” in Article 3 as “...the spouse, the minor child and the dependent adult child of the applicant or the beneficiary of international protection”. It also defines the “sponsor” as a “Turkish citizen or a foreigner legally staying in Turkey who undertakes the expenses of foreigners who would come to Turkey for the purpose of family reunification and who is referenced as the supporter in the application by the residence permit applicant”.

Article 34 of the Law concerns family residence permit for foreigners. The residence permit may be granted to a foreign spouse, to foreign children or foreign minor children of their spouse, to dependent foreign children or dependent foreign children of their spouse of Turkish citizens, or to foreigners holding one of the residence permits as well as refugees and subsidiary protection beneficiaries. However, the duration of the family residence permit cannot exceed the duration of the sponsor's residence permit under any circumstances.

Article 59 of the Law reinstates that in the removal centres "the best interest of the child shall be considered, and families and unaccompanied minors shall be accommodated in separate areas". Article 64 states that exclusion of the applicant from international protection shall not require the exclusion of their family members provided that none of the reasons for exclusion applies to other family members.

Regarding the application procedures for the international protection, Article 65 of the Law provides the possibility to apply individually:

ARTICLE 65 – (3) Every foreigner or stateless person is entitled to apply on their own behalf. Applicant may apply on behalf of accompanying family members whose applications are on the same grounds. In such cases, consent of the adult family members shall be required for applications made on their behalf.

While the siblings are to be accommodated together to the extent possible and taking into account the interest of the children, their age and level of maturity, Article 95 of the Law which regulates the reception and accommodation centres underlines the family unity:

Article 95 (7) the unity of families staying at the centres shall be preserved to the extent possible.

The Temporary Protection Regulation, which covers mainly the Syrians, concerns exclusively family reunification of the family members who are outside Turkey and who would like to come to this country. The first paragraph of Article 49 states that "the foreigners who under the coverage of this regulation may request to be reunited in Turkey with their spouses, non-adolescent children and dependent adolescent children. Such applications shall be evaluated by DGMM and the necessary efforts may be pursued in cooperation with relevant public institutions, international organisations and NGOs. The second paragraph of the same Article states that the efforts for family reunification of children who are determined as unaccompanied shall be started without delay".

In practice, family unification works mostly for the persons under temporary protection. In the focus group discussions with the Syrian refugees in Istanbul, some participants informed that they applied to bring their spouses from Syria. In the absence of ICRC inside Syria because of the armed conflict, there seems to be no mechanism for family tracing of the family members inside Syria. Only if the family members inside Syria are contacted by their refugee spouses in Turkey, they can approach one of the few border gates between Turkey and Syria that are still operational. If the refugee member of the family applies to DGMM provincial office, the crossing arrangements to bring the spouse in Syria is facilitated from the Turkish side of the border entry. There is no statistics on how many reunifications have taken place. However, both

some refugees and the DGMM Şanlıurfa Officials informed that few reunifications happened smoothly in 2016.

When Turkey imposed a visa regime for Syrians in third countries, after the EU-Turkey deal was signed in March 2016, several refugees who travelled to Arab countries to work for short periods of time, were unable to comeback. This has caused new separation of families and has negatively impacted areas of Kırıkhan, Hatay, where refugees from nearby villages were unable to cross the border to take care of their livestock and fields.

When in ISIS attacked in 2015 against the Yazidi villages in Iraq, up to 100,000 refugees fled to Turkey. In a research conducted by IGAM in that year, it was told by the eyewitnesses that there were girls and women among Yazidi families who were kidnapped by ISIS, which concluded in an informal trade of freeing the female family members in exchange of large ransoms.

7. Identity Papers and Convention Travel Documents

Article 27 of the 1951 Refugee Convention is applicable to any refugee, indicating that a refugee's presence in a country need not to be legal in order for him to have the right to an identity document. The issuance of it does not bind the state to keep the refugee within its borders. Unlike travel documents, the identity papers provided for in Article 27 do not confer any rights to the bearer, but serve simply to show the identity of the refugee. The intent behind this provision is that any refugee, whether staying legally or illegally in a country, holds at the very least a provisional document stating his identity in case s/he is requested to produce it by the police, for instance, or if needed for any other purpose. Such identity papers simply enable the refugee to conform to laws and regulations that may require inhabitants of a country to carry such papers, or to prove their identity under certain circumstances.

7.1. Identification papers with wider purpose

Turkey issues identification papers to nationals, aliens and persons who need international protection, which also serve as residence permits and proof of one's legal residency status in the country. Hence, they are more formal and serve a wider purpose than the basic identification papers required by the 1951 Convention. In Turkey, citizens and foreigners are generally required to carry identity papers, that serve a purpose in their everyday life. Therefore, it is a responsibility of the State to issue these documents to persons under international protection. The identity cards also serve as proof of the bearer's legal residency status and his/her entitlements and rights under the law, such as the right of access to employment and to social assistance benefits.

Turkish asylum legislation contains explicit legal provisions stipulating identity cards to the registered persons who need international protection. At the legislative level, Turkey's practice is in accordance with the requirement in the 1951 Convention. However, especially for Syrians under temporary protection, face difficulties accessing certain services because the identity cards issued for early arrivals before the Law and Temporary Protection Regulation that entered

into force in 2014, have different system of numbers that normally a person under the temporary protection should have. The Government is currently trying to standardise these double numbering systems.

According to the Law, a “registration document” at the time of registration shall be issued with a validity of 30 days and indicating the international protection application. According to Article 69 of the Law, the registration document can be extended for thirty-day validity periods when necessary. The registration document shall enable applicants to stay in Turkey and shall be issued without being subject to any fee. Article 76 of the Law states that upon completion of the interview, the applicant and accompanying members of his family, shall be issued an International Protection Applicant Identity Document valid for six months, indicating the international protection application and bearing foreigner identification number. For those when the [assessment of the] application could not be finalised, the identity document shall be extended for a validity period of six months. The DGMM will determine the form and content of the identity document. The identity document shall substitute a residence permit and shall not be subject to any fee.

Article 83 of the Law regulates the identity cards after an international protection status is granted to the applicant with limited duration. Accordingly, “an identity document bearing the foreigner identification number shall be issued to persons granted refugee status, with a three-year validity period at a time” (para 1). Persons granted conditional refugee or subsidiary protection status shall be given an identity document bearing the foreigner identification number issued with one year validity period at a time (para 2). In both cases, the identity documents set out shall substitute a residence permit and shall not be subject to any fee. The Directorate General shall determine the format and content of the identity documents.

In the meantime, since UNHCR continues to receive applications of non-Syrian persons who need international protection even after the Law enters into the force, it issues its own document indicating that the bearer of this document is under international protection. UNHCR’s implementing partner, ASAM issues these documents on behalf of the UN Refugee Agency.

The type of status of the person under international protection, described by the type of the identification card issued for that person determines the rights and obligations of that person.

Article 89 of the Law states that the bearers of the Applicant or the beneficiaries of the international protection and their family members shall have access to education and medical care. In case of access to the labour market. Paragraph (4) of Article 89 states that

“...With respect to access to the labour market:

- a) An applicant or a conditional refugee may apply for a work permit after six months following the lodging date of an international protection claim.
- b) the refugee or the subsidiary protection beneficiary, upon being granted the status, may work independently or be employed, without prejudice to the provisions stipulated in other legislation restricting foreigners to engage in certain jobs and professions. The identity document to be issued to a refugee or a subsidiary protection beneficiary shall also substitute for a work permit and this information shall be written on the document.

As for the Syrian refugees who are the beneficiaries of temporary protection under Article 91 of the Law, a different type of identity document and ID number are to be issued by DGMM. Article 22 of the Temporary Protection Regulation details the Temporary Protection Identity Cards:

Article 22, The Temporary Protection Identity Document

- (1) Temporary Protection Identity document shall be issued for those whose registration procedures are completed.
- (2) A Foreigner Identity number shall also be issued to the Temporary Protection Identity document holder.
- (3) The Directorate General shall determine the format and content of the identity documents. These documents shall not be subject to any fee.

The same article states that the validity of these temporary protection identity documents is restricted to the duration of the Temporary protection.

Article 25 of the Temporary Protection Regulation clearly states that the Temporary Protection document entitles the holder to stay in Turkey. However, it should be considered as an equivalent to the residence permit or any document that has the equivalence by laws to residence permit.

The Temporary Protection Identity Documents provides the holders the access to several services like education, healthcare, social assistance and labour markets.

7.2. Travel documents

Article 84 of the Law refers to the 1951 Refugee convention as follows: “(1) Refugees shall be issued the travel document stipulated in the Convention by the governorates: (2) Travel document requests by conditional refugees and subsidiary protection beneficiaries shall be evaluated within the scope of Article 18 of Law № 5682.”

Article 43 of the Temporary Protection Regulation states that the DGMM shall evaluate under the Passport Law of the Country, the requests by the foreigners under the coverage of this regulation who do not have travel documents or who are unable to obtain travel documents.

Box 3

Voices of refugees: Focus Group discussions

We conducted two focus groups in Istanbul with six people in each group, which consisted of both female and male Syrian participants. We aimed to use the focus groups to understand the situation of Syrian refugees, their access to rights and to explore how common social meanings can be differentiated among individuals who belong to the same social group. The focus group method provided us with a basis for observing participants’ social interactions with each other within the same social group, and it examined issues that are not easily observed in a one-to-one situation. Finally, this method helped us to evaluate and explore the findings that emerged

from interviews, reviewing participants' views on shared and contested meanings, giving us the opportunity to realise 'how people respond to each other's views.' (Bryman, 2001: 337).

We spent approximately two hours on the focus group discussions and reached out to focus group participants by using our social networks. During the discussion, different views, voices, and ideas of people were reflected within Syrians. The topics covered during this focus group included access to labour market, education of children, professional education, the use of language and social harmonization.

During the focus group discussions, it was stated that a majority of Syrian refugees do not have much information about their legal status. Legal status is related to identity cards for them. One participant stated that as "we left our country; we are refugees. But I do not know what does being a refugee mean. I describe myself as political migrant."

Many participants stated that they have a secure legal status. Their understanding of a secure legal status is similar to the meaning of safety of lives. The word "temporary" underneath their status of "temporary protection" does not seem to make them feel insecure, as only one participant highlighted the need of having secure legal status and believed that temporary protection is not secure. A majority of the participants stated that they are happy to be in Turkey, but also emphasized the difficulty of living conditions in Turkey. Some participants highlighted that they have a similar lifestyle to the one they had in Syria; they feel safe and consider now Turkey as their home. However, some participants explained that they have had bad experiences, including fraud, burglary and physical insecurity especially in the case of women participants.

Family reunification is included as a right in the temporary protection scheme. A few participants who brought their families to Turkey stated that the process of bringing their families from Syria to Turkey was not difficult as their families entered in Turkey without any problem. The ones who do not have a passport or an identity card stated that this process is very difficult for them, as they could not bring their families from Syria to Turkey or forcing some of them to bring their families from Syria to Turkey through smugglers. Families of participants who tried to arrive to Turkey from outside of Syria were not accepted to Turkey under the right to family reunification.

Accommodation is another problem that the participants have experienced. A majority of them live in flats, they bought second hand furniture or were provided furniture from Turkish neighbourhoods. Many participants stated that they had to change accommodation often and that they do not have a tenancy contract, which puts them in vulnerable situation. One participant stated that "of course it is not similar to our house in Syria. Our living conditions and house here is not so good. Our memories and investments are left in Syria. Our living conditions are bad especially for children. We live in a flat in a basement and pay 650tl per month". The participants also mentioned that they find hard to pay their bills.

Access to labour market is an important problem for many participants. It has been observed that they need support to be involved in the labour market. The main difficulty to get a work permit is the unwillingness of employers and the lack of Turkish language knowledge among many participants. Other problems related to access to labour market stated by a majority of the

participants are age related limitations, difficulty of working in low paid, unsecure physical jobs, not having social security, and not working in their profession due to difficulty of receiving accreditation of their diploma. The participants also find it difficult to access to certificate programs of their profession, as they do not have much information on these programs.

Language barrier is also underlined by the participants when they talk about their experiences of living in Turkey. Many participants stated that they are aware of the Turkish language courses provided by SGDD-ASAM and Halk Egitim; they attend these courses but are not convinced about their quality. They also mentioned that they do not learn Turkish by attending these courses.

Education of children is another major problematic issue. Even though they do not experience many problems with registration to schools, attendance level to schools is very low. The registration period of children without identity cards is done between 15 days to 2 months. The participants whose children attend “temporary education centres” stated that “education in temporary education centres are in Arabic which is good for us, but next year there will no longer be temporary education centres. So, our children might find hard to adapt to education in Turkish. We are worried.” It is also mentioned that many children aged 12 and older do not attend school as they work to contribute to the family economy. They also think that access to higher education is difficult. A few participants mentioned that their children experience racism at school. One participant stated that “my child is clever but teachers do not let him show his skills. For instance, his teachers do not allow him to answer the questions and participate the lesson. He has a language barrier but he is very successful in mathematics and science. However, he is not happy because of discrimination at school.”

When we asked about the main problem they experience about harmonization in Turkish society, a majority of them mentioned the difficulties to access the identity cards, insecurity at work place, unwillingness of employers to apply work permit for Syrians, high housing prices, limitations to access free and professional Turkish language courses and negative perceptions about Syrians.

CHAPTER IV – RECOMMENDATIONS

In legal terms, the temporary character of the asylum system which is a natural consequence of the maintenance of the geographical limitation above mentioned, rules out in Turkey a durable and secure residency status for refugees. Even for recognized “Refugees” there is no permanent residency, a status which also offers them the associated set of rights, in addition to the minimum rights of the 1951 Convention. In practice, given that resettlement options rarely exist, the majority of the non-Syrian people under international protection and the Syrians under “the Temporary Protection” overstay the permit periods foreseen by the Law. Long term or permanent residency status offers refugees the best chances for rapid integration into their countries.

1. Lifting of the Geographical Limitation/One time solution

Full implementation of the 1951 Refugee Convention seems to be an urgency. The Law should be amended by eliminating the discriminatory categories of international protection/temporary protection and national refugee status determination mechanisms should be strengthened. The Temporary Protection Regulation should be amended by limiting the duration to maximum 3 years. Those who stay over this period should be allowed to apply for individual protection. Following the lifting of geographical limitation, a one-time refugee status for all refugees living for years under different statuses should be recognized. In Europe, after the Second World War and until 1960, such blanket types of recognitions were successfully experienced in the sense of naturalisation. Gaining a refugee status would “regularized and standardized” refugees’ residency in Turkey. Refugees should be granted a secure and durable form of legal residency status, such as permanent residence upon a one-time recognition.

2. Permanent Residency

Granting refugees permanent residence is one of the most effective measures that states can take to facilitate integration, as is required by article 34 of the 1951 Convention. Such a status not only offers refugees a form of legal residency that, due to its long-term security, is conducive to integration, but it also grants them the rights attributed to this status, rights which are frequently essentially the same as those granted to nationals.

Linking the status and rights of refugees with a more common and better known form of legal residence, would facilitate the implementation of their rights. A more common residency status is bound to cause less confusion and requires less training at the implementation level for government institutions, refugee-assisting NGOs, as well as in the private sector, such as with employers and landlords. Recognized refugees would therefore only require special attention or treatment in those areas where they are granted special protection or rights by virtue of their refugee status. Furthermore, in addition to bureaucratic simplification, a streamlined and

durable residency status may have a beneficial psychological impact on refugee integration, by possibly reducing the stigma often associated with refugee status and providing refugees a sense of long-term security. The latter would encourage the establishment of durable ties in the host country.

3. Integration Ministry and coordination

The lack of an efficient coordination structure is a generally agreed weakness of the Turkish asylum system. This weakness drives from the absence of an abstract thinking of a “refugee cycle” which starts with the flight from the country of origin due to the lack of security, freedom and safety, and continues through urgent relief activities of providing food, water, medicine, shelter in its most simple form and registration. This cycle should then shift to the activities of stabilisation of refugee lives in the host country as their stay prolongs, and reaches a stage for seeking durable solutions aiming of re-establishment of safety, personal security and freedom elsewhere.

Turkey’s governmental institutions and BGO capacity has developed on both refugee protection issues and relief and assistance. Concerning refugee protection in the sense of the strict application of non-refoulement principle, Turkey established the DGMM in 2014. This young structure has been strongly supported by UNHCR to improve its capacity for a developed individual asylum system in the country. There is a few number of rights-based NGOs that developed their monitoring capacities in the area of refugee protection. As for assistance and emergency relief, AFAD appeared in an ad hoc manner as a giant relief organisation for refugees. Several INGOs and NGOs also involved in these sectors. UN agencies are getting more heavily involved in assistance. Despite all of these institutional capacity developments, the aspect of finding durable solutions is still ignored since the maintenance of the geographical limitation remains a major obstacle to think about various aspects of integration. There is no government or civil society institution planning for a real, comprehensive integration project. This is due to the lack of coordination.

Several measures have been taken to improve the life of refugees, but these are not part of a systematic approach to integration. In most cases, all these efforts are a kind of “patch work”: they are uncoordinated, disconnected, not based on factual data, and therefore insufficient.

Since early 2015, the idea of establishing a migration ministry has been being debated. This has increasingly appeared to be a necessity. However, a new ministry needs to be carefully established in parallel to the lifting of geographical limitation. To avoid new situations of institutional competitions and new chaotic situations, the new ministry should focus on the issue of integration. It has to be supported by all other relevant ministries such as the ministries of education, health, labour, social security and family affairs. It has to work together with the DGMM and AFAD, instead of overlapping or even jeopardizing the work of these institutions. The integration ministry should also work closely with NGOs and the private sector.

Local governments and municipalities are restricted by the law, locking their involvement in refugee issues, despite the fact that they have been crucial actors in the countries where integration policies have been successfully implemented.

4. Intensive government/NGO joint ventures

Consideration should be given to encouraging the development of more government/NGO joint ventures in the area of integration assistance. The government should contract out its integration related activities to refugee-assisting NGOs or simply provide them with extra funding. Implementation of integration activities by NGOs rather than government tends to offer some important advantages, including more flexibility in their responses, access to potentially more diverse sources of funding for complimentary activities, a stronger rapport of trust with their clients, and a more comprehensive and less bureaucratic approach, which the departmentalization of government services simply cannot provide. Many NGOs have been gaining over last few years considerably more experience in the area of refugees and integration.

At this point in time, consideration should be given to create more specialized organizations, whose mandate should focus exclusively on the integration of recognized refugees. The NGOs being established by the refugee communities need to be empowered and strongly supported.

5. Harmonisation of refugee and citizenship legislation

It is recommended that Turkey harmonizes its refugee and citizenship legislation, as well as state practice so as to ensure that refugees can indeed be eligible to apply for naturalization within a five-year or more or less similar residency period in their host country.

6. Economic self-sufficiency, employment

The ability to achieve economic self-sufficiency is undoubtedly one of the cornerstones of the successful integration of recognized refugees in their host country. Beyond purely financial benefits, employment plays a key role in furthering the social integration process of refugees by improving their language skills, encouraging the formation of friendships and professional contacts with the host population, and generally helping them gain acceptance by their local communities. Yet, in Turkey all categories of persons under international protection and temporary protection refugees face important obstacles in entering the labour market. These factors include: insufficient legislation and work permits/rights; a language barrier; socio-cultural differences, which are often significant with regard to the sphere of employment; the difficulty of securing housing compatible with employment opportunities; and domestic economy suffering from particularly high unemployment rates.

The first priority should be lifting all objective barriers and restrictions to the employment of recognized refugees. These typically include legislative and regulatory restrictions such as the requirement of a work permit and other onerous bureaucratic procedures, as well as provisions granting priority to nationals over aliens and refugees in the allocation of employment opportunities.

Additionally, other objective restrictions presenting problems with regard to access to employment for refugees remain. These include the following: certain conditions rendering refugees ineligible to participate in state re-qualification and vocational courses; the issuance of identity/residency cards, which are necessary in order to take up legal employment, with relatively short-term validity periods which place refugees at a disadvantage in the labour market and are an obstacle to job security; and the requirement of national citizenship or special permission for public service positions and professions which do not concern national security or the public order, and could perhaps be waived in the case of recognized refugees.

Another objective barrier to the employment of refugees is the lack of documented proof of educational or professional qualifications. Translation of these documents, when they are available, should be provided and assistance should be offered to refugees in the process of gaining national recognition or equivalency for degrees either by the state whenever possible, or by other organizations. When such documents are not available at all, detailed information about the person's educational or professional background should be gathered, and where examinations or supplementary training or schooling are necessary to fulfil national criteria, assistance should be given to refugees undertaking these studies.

The state-run vocational and re-qualification courses, may be the most effective approach to employment problems. It also has the advantage of providing refugees with a training certificate from a recognized institution rather than an unknown NGO program.

Small start-up business grants or loans are programs that should be initiated in order to promote individual initiatives.

Preventive measures to discourage participation in the informal economy should be promoted.

Because refugee women are often still the primary care givers in several families, and given that they may have special needs with regard to employment assistance, it is advisable that employment programs include a focal point for refugee women. The focal point can undertake a needs analysis and ensure that measures are taken whenever possible to eliminate obstacles for women who wish to take up employment, apprenticeships, and vocational training or language courses. Such measures could include taking their family duties into consideration by offering courses during children's school hours or providing day care. Women may also need assistance in formulating business proposals or undertaking job searches if they have little experience in the labour market.

7. Language

Language is one of the greatest barriers to the potential employment of refugees. Refugees should be offered every possible opportunity to achieve a degree of command of Turkish sufficient for their everyday needs, but also for their employment needs, which can of course vary significantly depending on the person's educational and professional background.

Ideally, state-funded language courses should be offered to asylum-seekers (applicants) during their RSD procedure (since in certain cases this procedure can last several years, during which they generally have more availability as they are usually not permitted to work) and to the beneficiaries of all kind of international protection. They should include at least a beginner, an intermediary and an advanced level course. Where the government does not have the organizational resources to implement these themselves, it should sponsor refugees to take these courses at other institutions, either public or private, or contract NGOs to implement language programs.

In addition to state language programs it may be necessary, and indeed frequently has been, to offer supplementary language courses for asylum-seekers and refugees. These supplementary language courses, which may be funded by NGOs, would fill possible gaps in state-funded programs and help satisfy the specific language needs of individual refugees.

To the extent possible, language training programs for refugees should be intensive but also flexible enough to take into consideration both the financial needs and time constraints of participants during the period of the training. In particular, the loss of wages during that period should be taken into account.

Whenever feasible, day-care should also be built into these language programs as should other special needs of women refugees, such as general schedule and cultural considerations, which may mean offering classes during their children's school hours and offering women-only classes in which they may feel more comfortable.

Housing and employment are two of the most basic needs of refugees, which nonetheless pose the most pressing problems in Turkey, both for refugees themselves as well as the organizations mandated to assist them. Housing and employment programs should be integrated as much as possible. Failure to do this makes refugees vulnerable to further stigmatization and marginalization, such as living in high unemployment areas. Being unemployed may also reinforce their negative perceptions of them as foreigners or assimilate them to marginalized groups within the society. It may also encourage the development of dependency syndrome and isolation, due to the lack of social contacts which are typically made in the workplace.

Housing, and especially affordable housing compatible with employment possibilities, is undoubtedly one of the most severe and pressing problems for refugees in Turkey affecting their very capacity for self-sufficiency and mobilizing much of their energy and resources as well as those of the organizations assisting in their integration process. Even when employed, the high cost of housing relative to their wages means that refugees are generally unable to secure a livelihood. There is a growing need for a Comprehensive Study on Sustainable Housing Strategies.

8. Housing

Camps are short term solutions and relying on them in the long run hinders integration. Refugee camps are located outside the cities and isolated from the host communities. They also make their residents totally dependent on assistance since the working opportunities outside the camps are much more restricted. In Turkey, there currently are 23 camps (temporary accommodation centres) in 10 provinces. Their overall population is 260,000 people. Some of these camps have been hosting Syrian refugees for 6 years. Their role should be reevaluated. Some limitations can be imposed for refugees to stay in the camps. During this period, camp residents can be prepared to a city life with vocational and language trainings and orientation programs. Camps should be places for transitory periods of stay and they should aim to host only new comers as well as the most vulnerable persons and families.

The maintenance of the geographical limitation to the 1951 Convention leads the legislation drafters to seek for specific solutions to specific problems faced by different categories of refugees. Indeed, oftentimes, such particular problems are the reflections of the problems themselves. Segmented solutions cause more discriminatory policies outcomes while policy making becomes more complicated. Thus, management of the problems becomes increasingly difficult. After lifting the geographical limitation, Turkey should use international categories like asylum seekers and refugees, and persons under temporary protection who can also apply for individual asylum and thus mainstreamed. Conceptual simplifications may increase effectiveness in policies.

9. Education

Primary and secondary education for all children and adolescents of refugee families in Turkey, whether they are beneficiaries of the temporary protection or beneficiaries of international protection, including the applicants (asylum seekers), should be mainstreamed to Turkish schools. However, this transition from TECs to Turkish public schools needs to be better planned and has to be processed in consultation with the TECs and Syrian families. At the program level, education support activities for schoolchildren, particularly during the first years in their host country, can play an important part in ensuring scholastic success and integration into their new social environment. Specifically, language classes and after school tutoring opportunities should be provided. While some activities are better provided by teachers in a formal educational context, much of this support can be offered by volunteers.

Though this has not so far been presented as a problem, special attention should be paid to cases of refugee children who are recommended for placement in special schools (i.e., schools for children with learning disabilities or special needs) in order to ensure that this does not result or gradually develop into a general coping policy for dealing with refugee children who may still face language barriers and cultural adaptation. Financial assistance, whether it be for the

purposes of purchasing school materials, transportation or other school-related costs, is also likely to continue being necessary for children of newly recognized refugees. This is due to the often limited employment opportunities of their parents prior to mastering Turkish language.

The importance of extra-curricular and recreational activities, particularly during the first few years in the host country, should not be underestimated as they provide refugee children opportunities to establish a close rapport with their host counterparts and culture. Furthermore, these activities are easily undertaken by volunteers and attractive to non-traditional donors, such as corporations or civic associations. In fact, the positive impact that these activities with children also tend to have on NGO staff (who tend to suffer from burn-out) and volunteers, in terms of being rewarding and keeping the latter interested in refugee issues, should not be underestimated.

10. Public Relief, Social Security and Healthcare

With regard to the issue of public relief assistance, and on how to assist refugees in achieving a basic standard of life, national funds and international donations should be well planned. For example, it is argued that the new policy of Kızılay Card which has been planned for a one-year duration, may turn out to be a waste of resources.

Above all, any successful integration policy requests a sound database. The state, the ministries and all relevant agencies should produce and share with public as detailed as possible information on all aspects of the refugee life. All integration policies and planning need to be evidence based.

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