



SCREENING CHAPTER 24
JUSTICE, FREEDOM AND SECURITY

AGENDA ITEM 1B: ILLEGAL MIGRATION

Country Session: Republic of TURKEY
13-15 February 2006



LEGISLATION

Illegal migration is dealt with in legal instruments such as:

- Palermo Convention and Its Additional Protocol on migrant smuggling
- Passport Law No: 5682
- Turkish Criminal Code No: 5237
- Code on Criminal Procedure No: 5271
- Law No: 5683 on Residence and Travel of Aliens
- Law No: 4817 on Work Permits for Aliens



- Turkey adopted a new Criminal Code in 2005, which also provides clauses for migrant smuggling.
- The new Criminal Code introduces a provision (Article 79) stipulating penalties of 3 to 8 years imprisonment and significant judicial fines to migrant smugglers. If the crime is committed by perpetrators acting as an organisation, the penalty to be imposed shall be increased by half. Article 79 also provides for coercive measures (confiscation of assets..) on legal entities involved in migrant smuggling.
- Article 5 of the Citizenship Law was amended in 2003. With this amendment, a probation period of 3 years is required for acquiring Turkish citizenship through marriage. Accordingly, those who have a job incompatible with the marriage and do not share the same house with his/her spouse will not be able to acquire Turkish citizenship.



- In 2003, a new Law on Work Permits for Foreigners entered into force. The Ministry of Labour and Social Security is authorized to issue all types of work permits for foreigners to ensure better management and control over the process. The Law aims at providing legal protection for foreigners against exploitation in labour markets and extending legal and administrative safeguards to private services. The Law prescribes administrative penalties both for an alien working without a work permit and for an employer who recruits him/her.
- Following the 2003 Road Transportation Law, a Road Transportation Regulation became effective in 2004. The Regulation states that transportation permit shall be cancelled for 3 years and the vehicle used will be seized if the person is sentenced for migrant smuggling.



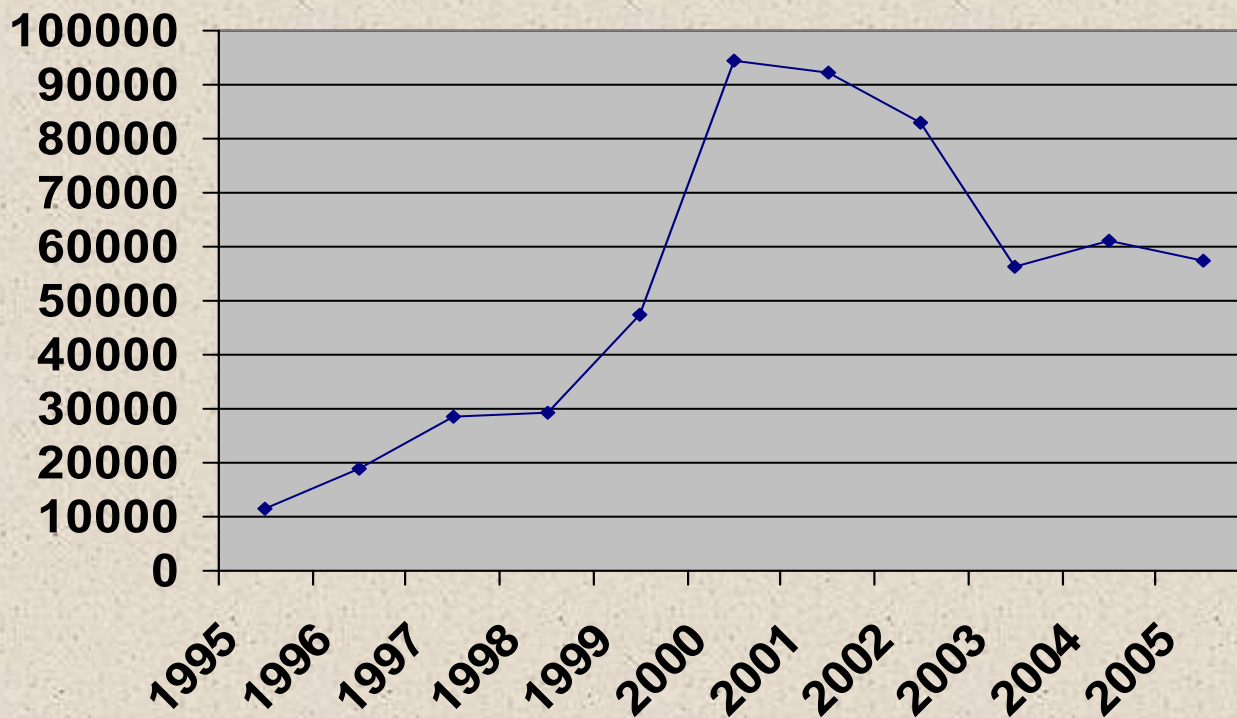
BASIC FIGURES ON ILLEGAL MIGRATION

In the decade up to 2006, 580.000 illegal migrants have been apprehended in Turkey. From 1998 through 2006, 5500 organizers including smugglers have been captured.

As a consequence of the efficient fight and ensuing dissuasion by Turkish authorities, main routes used in illegal migration have been diverted to other destinations as can be observed through the decreasing figures in the chart below.

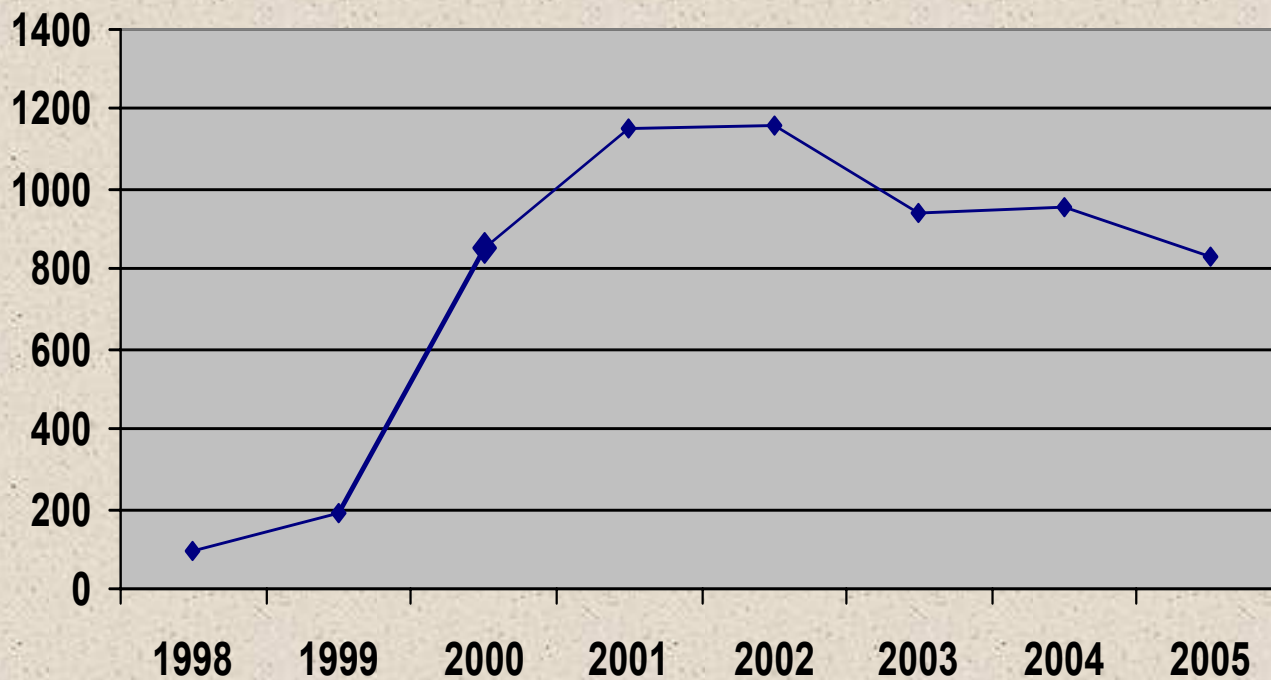


THE FIGURES OF ILLEGAL MIGRANTS APPREHENDED 1995-2005





APPREHENDED MIGRANT SMUGGLERS 1998 - 2005





ACTION PLAN ON ASYLUM AND MIGRATION

The 2005 Action Plan on Asylum and Migration was prepared at the end of the Asylum and Migration Twinning Project.

Overall objective of the Action Plan is the alignment of Turkey's asylum and migration strategy with the EU legislation and the improvement of operational capacity.



MEASURES TAKEN TO COMBAT ILLEGAL MIGRATION

- Intensive controls at land and sea borders ; at border gates as well as on routes used by illegal migrants
- Visa and adequate subsistence proof
- Training for law enforcement units in order to prevent use of forged travel documents by aliens
- Capacity building and public awareness activities
- Surveillance and intelligence gathering
- Early warning and information exchange system between related institutions both at national and international level
- Operations against organised crime groups



PROCEDURE

When an illegal migrant is apprehended in Turkey, his/her written statement is taken by the law enforcement officials under the authority of a prosecutor. In his/her statement motivations for leaving his/her home country and arriving in Turkey illegally are required to be explained.

If an illegal migrant does not wish to return to his/her home land voluntarily, a deportation decision is taken. If an illegal migrant does not possess any valid travel document, relevant authorities request the document from his/her consular mission in Turkey.



During this process, illegal migrant is hosted at Guesthouses for Foreigners, managed by the Ministry of Interior. There are several guesthouses around Turkey. As soon as a valid travel document and airline ticket are provided illegal migrant is deported.

In practice, the relevant authorities do not detain illegal migrants.



READMISSION POLICY AND IMPLEMENTATION

As an overall policy implementation; Turkey readmits her own nationals in accordance with the Passport Law No: 5682. If it is proved that illegal third country nationals have departed from Turkey, they will be readmitted if returned by the same or a subsequent flight in the light of ICAO rules and practices. Moreover, aliens having valid Turkish residence permits are readmitted to Turkey.

First round of talks were held on 17 October 2005 in Ankara for a Turkey-EU Readmission Agreement.



BILATERAL READMISSION AGREEMENTS/PROTOCOLS OF TURKEY

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|------------|------|
| GREECE | 2002 |
| SYRIA | 2003 |
| ROMANIA | 2004 |
| KYRGYZSTAN | 2004 |
| UKRAINE | 2005 |

Bilateral readmission agreements were proposed to several other countries of origin and transit such as Pakistan, Iran, Bangladesh, Bulgaria, Afghanistan, India, China, Sri Lanka, Russian Federation, Algeria, Lebanon, Tunus, Uzbekistan, Sudan, Morocco, Nigeria, Kazakhstan, Egypt, Israel, Ethiopia, Belarus, Mongolia and Jordan.

Negotiations with Russian Federation, Bulgaria and Jordan have continued. Bangladesh and India did not agree to sign such an Agreement.



THANK YOU FOR YOUR ATTENTION