



***Permanent Delegation of Turkey  
to the European Union  
Ambassador***

2016/70946263-AVBİR DT/10779625

Brussels, 12 April 2016

Dear Mr. Ruete,

Turkey assures that due to the Syrian crisis, citizens of Syrian Arab Republic who irregularly crossed into the Aegean Islands via Turkey as of 20 March 2016 and being taken back by Turkey as of 4 April 2016, will be granted temporary protection status in line with the Temporary Protection Regulation no 2014/6883 and the Regulation no 2016/8722 Amending the Temporary Protection Regulation.

Each Syrian national returned to Turkey who previously enjoyed the temporary protection status, or who transited the country and did not previously enjoy the temporary protection status and who do not have a profile that could bring them under the scope of the exclusion clauses, as set out in the above mentioned Regulation and relevant Turkish national or international law and legislation will be granted such status in accordance with the above mentioned Regulation and other relevant legislations.

I would be grateful if you could ensure this letter is shared with the competent Greek authorities.

Yours sincerely,



Selim Yenel

Mr. Matthias Ruete  
Director General  
European Commission  
DG Migration and Home Affairs  
B-1049 BRUSSELS

Cc: Simon Mordue  
Director  
Strategy and Turkey, DG NEAR  
Neighbourhood and Enlargement Negotiations 15,  
Rue de la Loi 1049  
Brussels



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL MIGRATION and HOME AFFAIRS

The Director-General

Mr. Vasileios Papadopoulos  
Secretary-General  
General Secretariat for Population  
and Social Cohesion  
2 Evangelistrias str.  
10563 Athens

Brussels, 5<sup>th</sup> May 2016

Dear Mr. Secretary-General,

Taking account of the indications contained in the letter from the UNHCR of 4 May 2016 in response to a request from the Greek authorities of 27 April 2016 about the situation of Syrian nationals in Turkey, I am pleased to share with you considerations set out below, with a view to facilitating the implementation by the Greek authorities of the EU-Turkey Statement of 18 March 2016. The considerations are based on the information which is at the disposal of the Commission concerning the relevant legal framework applicable in Turkey and its application, including information obtained in the context of the ongoing visa liberalisation dialogue between the European Commission and the Turkish authorities.

In accordance with the EU-Turkey Statement, applications for asylum of migrants arriving from Turkey into the Greek islands after 20 March 2016 will be processed individually by the Greek authorities in accordance with the Asylum Procedures Directive (2013/32), in cooperation with EASO. Migrants whose application has been found inadmissible, including in accordance with Article 33 (2) (b) or (c) of the said directive, will be returned to Turkey.

According to Article 33 (2) (b) of the Asylum Procedures Directive, the Greek authorities can declare an application for asylum inadmissible, where they consider Turkey as a first country of asylum for a particular applicant, in accordance with Article 35 of the Asylum Procedures Directive, because the applicant has been recognised in Turkey as a refugee and can still avail himself/herself of that protection or otherwise enjoys sufficient protection in Turkey, including benefiting from the principle of non-refoulement.

According to Article 33 (2) (c) of the Asylum Procedures Directive, the Greek authorities can declare an application for asylum inadmissible where they consider Turkey to be a safe third country for the applicant in accordance with Article 38 of the Asylum Procedures Directive, because: life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion; there is no risk of serious harm as defined in the Qualification Directive (2011/95); the principle of non-refoulement in accordance with the Geneva Convention is respected; the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention. This provision may be applied, where there is a connection between the applicant and Turkey on the basis of which it

would be reasonable for that person to go to Turkey. The Greek authorities are moreover required in each case, before making any such inadmissibility decision, to be satisfied that Turkey constitutes a safe country for the individual concerned in the light of the asylum applicant's particular circumstances.

Let me recall in this context that the Commission indicated, in a Communication adopted two days before the EU-Turkey Statement, that it considers that transit through Turkey suffices for a sufficient connection to be established (see COM (2016) 166 final, page 3). Furthermore, the Commission indicated in the same Communication (as already in COM (2016) 85 final, page 18) that it considers that Article 38 of the Asylum Procedures Directive does not require ratification of the Geneva Convention without geographical limitations. It only requires that protection equivalent to the Geneva Convention is afforded to returnees.

In that Communication, the Commission moreover sets out clearly what legislative and other measures needed to be taken by Turkey in order to allow Greece to declare an application for asylum inadmissible in accordance with Article 33 (2) (b) or (c) of the Asylum Procedures Directive. Following the subsequent regulatory amendments adopted by Turkey (Regulation amending the Temporary Protection Regulation (Cabinet Decree no 2016/8722 of 6 April 2016), Regulation on work permit of international protection applicants and international protection status holders (Official Journal of 26 April 2016)) in conjunction with the assurances provided by Turkey by letters of 12 April 2016 (2016/70946263-AVBIR DT/10779625) and 24 April 2016 (2016/70946263-AVOIR DT/10830418) for Syrian and non-Syrian nationals respectively, which have been transmitted to you, the Commission considers that Turkey has taken all the necessary measures identified in the aforementioned Communication. In this context, let me highlight that the European Court of Human Rights in consistent case law has recognised that assurances, such as those provided by Turkey in relation to Syrian and non-Syrian nationals, constitute a relevant factor which the Court will consider in any examination of whether a person faces a real risk of ill-treatment in the country to which he or she is to be removed (see ECHR, judgment of 16 January 2012 - 8139/09, Othman (Abu Qatada) *./.* United Kingdom; ECHR (Grand Chamber), judgment of 4 November 2014 - 29217/12 ( Tarakhel *./.* Switzerland)).

The legal framework in Turkey which establishes the protection status granted to Syrians found to be entitled to temporary protection is the Temporary Protection Regulation, in conjunction with the Regulation on work permits of foreigners under temporary protection (Official Journal of 15 January 2016). The protection which this legal framework affords appears to suffice to be considered as sufficient protection or protection equivalent to that foreseen by the Geneva Convention.

The legal framework in Turkey which establishes the protection status granted to non-Syrians found to be entitled to (conditional) refugee status in accordance with the Law on Foreigners and International Protection is part three, section three of the Law on Foreigners and International Protection, in conjunction with the Regulation on work permit of international protection applicants and international protection status holders (Official Journal of 26 April 2016). It should also be noted that, in the assurances provided by Turkey by letter of 24 April 2016 (2016/70946263-AVOIR DT/10830418), it is indicated that each non-Syrian who seeks international protection in Turkey will enjoy protection from refoulement in line with international standards. The protection which this legal framework, combined with the aforementioned assurances, affords

appears to suffice to be considered as equivalent to the protection foreseen by the Geneva Convention.

For Syrians, the legal framework in Turkey which provides a basis for ensuring effective access to sufficient protection, or to protection equivalent to that foreseen by the Geneva Convention, is Provisional Article 1 of the Temporary Protection Regulation (cabinet decree no 2014/6883 of 13 October 2014), as amended by Cabinet Decree no 2016/8722 of 6 April 2016), in conjunction with the assurances provided by Turkey by letter of 12 April 2016 (2016/70946263-AVBIR DT/10779625). Those assurances make it clear that all Syrians returned to Turkey who previously enjoyed the temporary protection status, or who transited Turkey and did not previously enjoy the protection status and do not have a profile that could bring them under the scope of exclusion clauses will be granted the status, irrespective of whether they had previously enjoyed it before leaving Turkey.

For non-Syrians, the legal framework in Turkey which provides a basis for ensuring access to protection equivalent to that foreseen by the Geneva Convention, is Articles 65 ff of the Law on Foreigners and International Protection (law no 6458 of 4 April 2013), in conjunction with the assurances provided by Turkey by letter of 24 April 2016 (2016/70946263-AVOIR DT/10830418).

In practice, as regards non-Syrians, Turkey has started to implement a roadmap aimed at reducing the backlog of pending applications for international protection by a significant number per month (12.000 to 13.000 applications), with a first very significant reduction (31.000 out of 140.000 applications) already noted, which is expected to allow for a total elimination of the backlog by the end of the year and the processing of any new applications for international protection within a maximum of 6 months of registration, which is expected to take place within a reasonable period of time of the submission of the application, in accordance with Article 78 (1) of the Law on Foreigners and International Protection and the assurances provided by letter of 24 April 2016.

Finally, the Turkish authorities have made a commitment to allow the European Union to regularly monitor the situation of Syrians and non-Syrians returned to Turkey, including access to refugee camps and centres. The first visit is planned to take place at the beginning of May 2016.

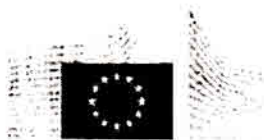
Equally, on 29 April 2016, Turkey and UNHCR concluded Standard Operating Procedures on ensuring access to removal centers by UNHCR, which foresees inter alia the monitoring of Turkey's practices in relation to international protection procedures.

I hope that the Greek authorities will find the considerations set out above useful for the carrying out of the individual assessments of whether to consider Turkey as a first country of asylum or as a safe third country within the meaning of the aforementioned provisions, for both Syrian and non-Syrian applicants for asylum who had irregularly crossed into the Aegean Islands via Turkey as of 20 March 2016.

Yours sincerely,

*e-Signed*

Matthias RUETE



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL MIGRATION and HOME AFFAIRS

The Director-General

Vasileios Papadopoulos  
Secretary-General  
General Secretariat for Population  
and Social Cohesion  
2 Evangelistrias str.  
10563 Athens

Brussels, 27<sup>th</sup> April 2016

Dear Mr. Secretary-General,

On the request of Ambassador Selim Yenel, I have the honour to share with you his letter transmitted to me on 25 April 2016 in which Turkey, recalling the Law on Foreigners and International Protection adopted in 2013, confirms that non-Syrians who seek international protection having irregularly crossed into the Aegean islands via Turkey as of 20 March 2016 and being taken back by Turkey as of 4 April 2016 will be able to lodge an application for international protection in accordance with the above mentioned law and its secondary legislation.

Turkey confirms that the commitments included in the letter shall be considered equivalent to the granting of an individual assurance in respect of each person. I trust that these commitments would facilitate the implementation of the EU-Turkey statement of 18 March 2016 for Syrian nationals and that the Greek authorities will be able to take them into account, when deciding on the inadmissibility of an asylum application of a non-Syrian national in accordance with Article 38 of the Asylum Procedures Directive.

In addition, please be informed that the Commission is in contact with the Turkish authorities in order to establish a mechanism for monitoring the situation also of non-Syrians who would be returned on that basis.

Yours sincerely,

Matthias RUETE

*Enclosed:*

- Letter from His Excellency, Selim Yenel, Ambassador of the Turkish Republic to the European Union.

Cc: Ms. Maria Stavropoulou, Director of the Asylum Service,  
Mr. Simon Mordue, Director – Strategy and Turkey, DG NEAR (European Commission)



*Permanent Delegation of Turkey  
to the European Union  
The Ambassador*

2016/70946263-AVBİR DT/10830418

Ref. Ares(2016)1974245 - 26/04/2016

HOME						
	DG	ACC	JS	KK	PA.01	PA.02
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INFO	X	∅	X			
<b>25 AVR. 2016</b>						
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Brussels, 24 April 2016

Dear Mr. Ruete,

Turkey confirms that non-Syrians who seek international protection having irregularly crossed into the Aegean islands via Turkey as of 20 March 2016 and being taken back by Turkey as of 4 April 2016, will be able to lodge an application for international protection in accordance with the Law on Foreigners and International Protection and its secondary legislation.

Each non-Syrian national in need of international protection returned to Turkey, who previously benefited from international protection will be able to apply for international protection in order to have the previous status regranted upon their return within a reasonable time. Through an individual assessment, each non-Syrian national seek international protection in Turkey for the first time will be registered within a reasonable time and have an effective opportunity to apply for international protection in accordance with the above mentioned Law and other relevant legislation, including as regards procedural time limits and rights, and will enjoy protection from refoulement in accordance with international standards.

Mr. Matthias Ruete  
Director General  
European Commission  
DG Migration and Home Affairs  
B-1049 Brussels

Cc: Mr. Simon Mordue  
Director  
Strategy and Turkey, DG NEAR  
Neighbourhood and Enlargement Negotiations 15,  
Rue de la Loi  
B-1049 Brussels

I would be grateful if you could ensure this letter is shared with the competent Greek authorities and I confirm that the commitments provided in this letter shall be considered equivalent to the granting of an individual assurance in respect of each such person.

Yours sincerely,



Selim Yenel

**Dimitris AVRAMOPOULOS**  
*Member of the European Commission*

Brussels, 29 July 2016  
Ares(2016)

Dear Minister Mouzalas,

I write to you in relation to the implementation of the EU-Turkey Statement of 18 March 2016 in view of the recent developments in Turkey.

The Commission remains committed to working together with Greece and Turkey to address our common challenges, including as regards the implementation of the EU-Turkey Statement. That includes those elements that foresee that applications for asylum of those arriving from Turkey to the Greek Islands after 20 March 2016 will be processed individually by the Greek authorities in accordance with the Asylum Procedures Directive (2013/32/EU), in cooperation with EASO and that migrants whose application has been found to be inadmissible, including in accordance with Article 33 (2)(b) or (c) of that directive, will be returned to Turkey.

For the purpose of applying Article 33 (2)(b) or (c) of the Asylum Procedures Directive, the Commission considers that, notwithstanding recent developments in Turkey, the Turkish legal framework, combined with the assurances that Turkey provided for the treatment of Syrian nationals and non-Syrians who had applied for asylum in Greece having irregularly crossed into the Aegean Islands via Turkey as of 20 March 2016 upon their return to Turkey as of 4 April 2016 (letter of 12 April 2016 (2016/70946263-AVBIR DT/10779625) and letter of 24 April 2016 (2016/70946263-AVOIR DT/10830418)) still can be considered as sufficient protection or protection equivalent to that of the Geneva Convention.

The Commission bases its considerations on recent commitments made publicly by the Turkish authorities, including by Minister for EU Affairs Ömer Çelik, that the EU-Turkey Statement and specifically the Turkish legal framework on international protection in conjunction with the aforementioned assurances continues to be effectively implemented. Moreover, for the time being, the Commission has no indications to the contrary.

*Mr. Ioannis Mouzalas*  
*Alternate Minister for Migration Policy*  
*The Hellenic Republic*



In view of these considerations, the assessment as previously set out in the letter of Director General Matthias Ruete to Secretary-General Vasileios Papadopoulos of 5 May 2016 (Ares(2016)2149549) remains valid. It remains important that the Greek authorities continue to carry out individual assessments as to whether the conditions for applying Article 33 (2)(b) or (c) of the Asylum Procedures Directive are met in each individual case in the light of all circumstances.

The Commission will continue to monitor the situation very closely, including as regards possible impact on international protection-related matters. In the meantime, I hope that these considerations will facilitate the implementation of the EU-Turkey Statement by the Greek authorities.

I would also encourage your authorities to resume as soon as possible the return operations on the basis of the bilateral arrangements in force between Greece and Turkey of those migrants that have no right to stay in Greece.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Dimitris Avramopoulos', written over a horizontal line. The signature is stylized and somewhat abstract.

Dimitris AVRAMOPOULOS