



PERMANENT MISSION OF THE REPUBLIC OF TÜRKİYE
TO THE UNITED NATIONS OFFICE IN GENEVA

Z-2023/62441669/36573774 -

The Permanent Mission of the Republic of Türkiye to the United Nations Office in Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the Communication from Special Procedures dated 15 June 2023 (UA/TUR 4/2023), has the honour to enclose herewith the information note provided by relevant Turkish authorities.

The Permanent Mission of the Republic of Türkiye avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 11 September 2023



Encl: As stated.

Office of the High Commissioner for Human Rights
Palais des Nations
1211 Geneva 10

**INFORMATION NOTE IN REPLY TO THE JOINT COMMUNICATION FROM
THE SPECIAL PROCEDURES**

(Reference: UA/TUR 4/2023)

1. With reference to the joint letter from the Special Procedures dated 15 June 2023, the Government of the Republic of Türkiye (hereinafter, the Government) would like to submit its responses and observations hereinbelow.

On the factual and legal basis of the deportation decision and its compatibility with international human rights law and refugee law:

2. On 22.05.2023, [REDACTED] was apprehended by İstanbul Provincial Security Directorate while attempting to exit Türkiye through illegal means. During the investigation into the incident, it was established that he had entered Türkiye on 18.12.2022 and had not left the country, although he should have, by 18.03.2023 when the 90-day visa exemption period expired. Consequently, [REDACTED] was handed over to the Provincial Directorate of Migration Management on the grounds that he violated the visa rules.
3. Acts and procedures with regard to foreigners in Türkiye are regulated by Law No. 6458 on Foreigners and International Protection. Pursuant to Article 54/1 (e) and (h) of the said Law, persons who have overstayed their visa or the visa exemption period for more than ten days or whose visas are cancelled, and persons who breach the rules and procedures for legal entry into or exit from Türkiye are subject to deportation. The deportation and administrative detention decisions regarding [REDACTED] were taken within the framework of the above regulations.
4. Decisions regarding foreigners are taken in accordance with the European Convention on Human Rights (ECHR) and other international conventions to which Türkiye is a party. The non-refoulement principle, regulated in the Convention relating to the Status of Refugees as well as Article 4 of the Law on Foreigners and International Protection, is duly taken into consideration at every stage of the deportation procedure. This has been the case with regard to the procedures followed in the case of [REDACTED]

On the legal procedure available to [REDACTED] to appeal against the deportation order:

5. According to Article 53/3 of Law No. 6458, the foreigner, his/her legal representative or lawyer can appeal against the deportation decision before the relevant administrative court within fifteen days as of the date of notification of the concerned decision. Such appeals shall be decided upon within fifteen days and the decision of the court on the appeal shall be final. The foreigner shall not be deported during the judicial appeal period.
6. In this context, [REDACTED] filed an appeal to the 16th Administrative Court of Istanbul against the deportation decision regarding him and as per the above-mentioned legislation, his deportation was halted.

On the measures taken by the Turkish Government to protect the human rights of migrants, and to ensure full respect for the principle of non-refoulement:

7. Article 4 of Law no. 6458 states that no one within the scope of this Law shall be returned to a place where he/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. Article 55 of the said Law stipulates that deportation decision shall not be issued in respect of those foreigners regarding whom there are serious indications to believe that they may be subjected to the death penalty, torture, inhuman or degrading treatment or punishment in the country to which they would be returned, even if the concerned foreigners would, under normal circumstances, need to be deported pursuant to the relevant legislation. Furthermore, Article 46 of Law No. 6458 titled "Humanitarian residence permit" stipulates the procedures regarding issuance of humanitarian residence permits for certain categories of persons, including children where their best interest requires and persons who cannot be deported due to the existence of serious indications to believe that they may be subjected to death penalty, torture, inhuman or degrading treatment or punishment in the country to which they would be returned.
8. In conclusion, the provisions on the principle of non-refoulement are fully respected by Turkish authorities at every stage of the procedures. Foreigners who are considered to fall under the protection of the non-refoulement principle upon the necessary evaluation, are not deported and their legal stay in Türkiye is safeguarded by the legislation in force.