EMN Ad-Hoc Query on Claims from Turkish asylum seekers

Requested by Eivind HOFFMANN on 25th April 2017

Protection

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (26 in total)

Background information:

Most of the Turkish applicants for protection in Norway claim that they are prosecuted by the Turkish authorities because of (real or alleged) association with Muhammed Fethullah Gülen (or the Gülen movement). We are in the process of establishing a policy (guidelines) for considering such claims and would highly value your answer to the following questions:

Questions

1. 1. Do you have policy (guidelines) for claims of prosecution based on real or alleged association with the Gülen movement? NO:___ Yes:___ If 'yes', please describe:
2. 2. Please describe all typical claims from Turkish asylum seekers and give examples of the outcomes of such claims:
3. 3. Have you experienced any changes to the claims from Turkish asylum seekers? (Please describe both completely new claims and changes to focus within familiar claims):

Responses

	Country	Wider Dissemination	Response
	Austria	Yes	**1.** No. Source: Federal Ministry of the Interior. **2.** In most cases: • Kurds: persecution due to membership of or activity in the PKK or in one of its affiliated organizations, in particular PYD/YPG (Syria), YPS ("self-defence units" during the urban combats in Eastern-/South-eastern Turkey); problems due to membership of the legal pro-Kurdish HDP, due to suspicion of contacts with or assistance of PKK. In some cases: • potential persecution (including torture) because of the alleged support of the coup d'état. So far only few cases: most applicants reject a membership of the Gülen-movement, but allege to be persecuted anyways. • Defamation of the Turkish president • Alevis: persecution by authorities, in particular Kurdish Alevis • refusal to do military service and in particular fear of Kurds to be sent to conflict zones • private family problems Note: The mentioned flight reasons are only exemplary.

			Therefore, they are only to a limited extent representative for all cases. Source: Federal Ministry of the Interior. **3.** So far, there have been no significant changes, only singular cases of alleged membership of the Gülen-movement. In terms of quantity, the applications from Turkey have doubled from 2015 to 2016. Source: Federal Ministry of the Interior.
	Belgium	No	
	Bulgaria	Yes	**1.** No. Each application for international protection is examined on an individual basis. **2.** There were a limited amount of cases from Turkish asylum seekers and there is no sufficient data for conclusions to be drawn. **3.** N/A
	Croatia	Yes	**1.** No **2.** Very small number of Turkish asylum seekers has made asylum claim in Croatia so any relevant conclusion cannot be drawn. **3.** N/A
	Cyprus	Yes	**1.** NO **2.** The great majority of applications for international protection from Turkey are of Turkish origin and the main claims are (a) Fear of Persecution because of Draft Evasion and/or (b) fear of persecution because of participation in PKK or other Kurdish political parties or organisations. Each case is examined on its own merits depending mainly on the political profile of the applicant.

			3. No changes
	Czech Republic	No	
	Estonia	Yes	**1.** Estonia does not have any policy or guidelines regarding claims of persecution based on real or alleged association with Gülen movement. Each application for international protection is examined on an individual basis. **2.** Since the attempted coup in Turkey, Estonia has received 5 applications for international protection from Turkish nationals. There have been no such applications where applicants claim having belonged to the Fethullah Gülen movement. **3.** There have been no significant changes in the claims from Turkish asylum seekers.
	Finland	No	
	France	Yes	**1.** No **2.** The number of applications from Turkish asylum seekers are stable; the attempted coup in July 2016 has not generated additional flows. 80% of these asylum claims are tied up with the Kurdish question (members or supporters of Kurdish parties, real or attributed material support of the PKK). Which new issues, linked to the war in Syria, have come up: participation at demonstrations for Kobani, material support to Kurdish Syrian refugees or participation in fights against the Islamic State which creates problems with the Turkish authorities on the way back). The problem of arranged marriages is also existing, although it is not very significant regarding the number of files. **3.** Since the end of 2016 a growing number of applications based on the membership of the Gülen movement has been observed.

	Germany	Yes	**1.** Yes. According to the guidelines, refugee status will be considered for applicants that make a credible claim of persecution upon return due to real or alleged association with the Gülen movement. Grounds for exclusion will especially be taken into account in these cases. **2.** Germany does not keep record of the grounds for protection. **3.** See answer 2.
	Hungary	Yes	**1.** No, Hungary did not establish such policy or guidelines. **2.** Almost all claims are based on the discrimination of Kurdish people by Turkish or vice versa. **3.** We do not receive asylum applications based on real or supposed belonging to the Fethullah Gülen movement. Hungary has not noticed a significant increase of asylum applications submitted by Turkish nationals in Hungary since the coup d'état attempt. There were no changes to the claims from Turkish asylum seekers.
	Ireland	No	
	Italy	Yes	**1.** No, Italy doesn't have policy/guidelines **2.** No, Italy does not have policy/guidelines. **3.** We recognize refugee status to the Turkish asylum seekers only on individual basis according to the grounds of The Geneva Convention. The most of the Turkish applicants comes from the South of the country. They are Kurds and often belong to the religious minority of Alevis. We don't consider the Kurdish ethnicity or the Alevi religion per se as a basis for of a general risk of persecution, but we assess case by case. Alevis claim the difficulties of worshipping in the "cemevis" (gathering places), which the Turkish government does not consider as legal houses of worship. They declare to have faced unequal treatment in education. There are also a number of statements of ill-treatment by the authorities, primarily as a result of the police using excessive

			force in responding to demonstrations in which they were involved. Some of them coming from Gaziantep and Pazarcick report their house were painted with a red cross, such as COI confirm. Kurds complain about the discriminations they have always suffered and about the excessive use of force during peaceful demonstrations, which was increasing in 2015 and 2016, including the firing of tear gas canisters and of rubber bullets; the use of water cannon; the beatings of protesters. Sometimes they report of torture and abuse, especially of persons in police custody, and during demonstrations and transfers to prison. If we don't find evidence enough to support a refugee status, we grant subsidiary protection under art. 15, lett. c., due to the presence of armed confrontations between different actors in the South East of the country, distinguishing the level of violence in the each province in order to apply the sliding scale. **4.** We recognize refugee status to the Turkish asylum seekers only on individual basis according to the grounds of The Geneva Convention. The most of the Turkish applicants comes from the South of the country. They are Kurds and often belong to the religious minority of Alevis. We don't consider the Kurdish ethnicity or the Alevi religion per se as a basis for of a general risk of persecution, but we assess case by case. Alevis claim the difficulties of worshipping in the "cemevis" (gathering places), which the Turkish government does not consider as legal houses of worship. They declare to have faced unequal treatment in education. There are also a number of statements of ill-treatment by the authorities, primarily as a result of the police using excessive force in responding to demonstrations in which they were involved. Some of them coming from Gaziantep and Pazarcick report their house were painted with a red cross, such as COI confirm. Kurds complain about the discriminations they have always suffered and about the excessive use of force during peaceful demonstrations, which was increasing in 2015 and 2016, including the firing of tear gas canisters and of rubber bullets; the use of water cannon; the beatings of protesters. Sometimes they report of torture and abuse, especially of persons in police custody, and during demonstrations and transfers to prison. If we don't find evidence enough to support a refugee status, we grant subsidiary protection under art. 15, lett. c., due to the presence of armed confrontations between different actors in the South East of the country, distinguishing the level of violence in the each province in order to apply the sliding scale. **5.** The claims from Turkish asylum seekers have been changing not in the content (the agent of persecution is always the State and the claims are always political/religious based) but in the level

			of discrimination they complain about. In the past Kurds reported about discriminations suffered during the military service or ill- treatment by the Police but their claims were stereotyped and not detailed. Nowadays Kurds and Alevi, even if they don't have a high political profile, report an accumulation of various measures and their statements are confirmed by the COI. We have revaluated also the assessment of the claims related to military service according to the ECHR Judgments of June 7Th 2016. **6.** The claims from Turkish asylum seekers have been changing not in the content (the agent of persecution is always the State and the claims are always political/religious based) but in the level of discrimination they complain about. In the past Kurds reported about discriminations suffered during the military service or ill- treatment by the Police but their claims were stereotyped and not detailed. Nowadays Kurds and Alevi, even if they don't have a high political profile, report an accumulation of various measures and their statements are confirmed by the COI. We have revaluated also the assessment of the claims related to military service according to the ECHR Judgments of June 7Th 2016.
	Latvia	No	
	Lithuania	Yes	**1.** No. **2.** There were a very limited amount of cases from Turkish asylum seekers. Therefore, there are no sufficient data to support any representative conclusions. **3.** No changes.
	Luxembourg	Yes	**1.** No. Luxembourg treats every international protection application on a case by case basis analysing the facts described by the applicant as well as the evidence provided and taking into consideration the general situation of the country of origin. **2.** Usually the individuals claim to be: 1) conscientious objectors who refuse to serve in the armed forces (See Administrative Court n° 35755C of 7 July 2015. In these cases the Court considers

			that the simple fact of not serving in the armed forces (being a deserter) without any other element is not sufficient for granting the international protection); and/or 2) being prosecuted because they are from the Kurdish minority and prosecuted because of their political ideas (See Administrative Court, n° 36756C and n° 36708C of 20 October 2015). If there is sufficient evidence on these grounds the authorities grant the international protection. Between January and November 2016, there was only one case regarding the Gülen Movement (See LU EMN NCP answer to FR EMN NCP Ad-hoc on Processing of asylum applications from nationals of Turkey launched on 12 January 2017). Another case has been examined regarding an asylum seeker who pretended having worked for a newspaper in Turkey. **3.** No, there are no changes to the claims of Turkish asylum seekers who continue stating the same claims as listed under 2). For your information, please note that during 2016, four Turkish nationals received the international protection (2 refugee status and 2 subsidiary protection). One person had his application rejected using the normal international protection procedure, 1 case was transferred under Dublin Regulation and 2 applications were implicitly withdrawn. Source: Directorate of Immigration, Bilan de l'année 2016 en matière d'asile et d'immigration, March 2017. During the first three months of 2017 there have been only 9 applications for international protection from Turkish asylum seekers (5 in January, 4 in February and 0 in March). However, during January: one refusal decision was taken and one application was declared inadmissible. During February: 2 transfer decisions were taken and there was one express withdrawal and during March there were 5 transfer decisions taken and 2 express withdrawals. Source: Directorate of Immigration © LU EMN NCP 2017
	Malta	Yes	**1.** To date, the Office of the Refugee Commissioner does not have any policy guidelines in relation to claims of persecution lodged by Turkish nationals based on real or alleged association with the Gülen movement. Each case is assessed on its own merits. **2.** In the period between 2016 and April 2017, the Office of the Refugee Commissioner received a total of 7 applications for international protection from Turkish nationals. Out of these, 3 were rejected, 1 discontinued as implicitly withdrawn, 1 discontinued as explicitly withdrawn and 2 are still pending. Of the applications that were rejected, only 1 was bases on a claim of fear of

			persecution on the basis of association with the Gulen movement. The remaining 2 applicants claimed protection due to pregnancy out of wedlock and on religious grounds, respectively **3.** Applications by Turkish nationals do not represent a significant case load. Following the attempted coup in Turkey, the Office only received one application on the basis of real or alleged association with the Gülen movement.
	Netherlands	No	
	Poland	Yes	**1.** Poland has not made the solutions regarding the asylum applications based on the association with the Fethullah Gülen movement. **2.** Turkish nationals applying for international protection in Poland mostly refer to ethnic persecution (most of the applicants are Kurds). There are also cases based on political persecution. The applications are examined individually, mainly based on the overall credibility of the applicants. **3.** There were no major changes in the profiles of the applicants and in the grounds on which they referred for international protection.
	Portugal	Yes	**1.** Portugal does not register Turkish applicants' claim of prosecution by the Turkish authorities because of association with Muhammed Fethullah Gülen movement. No useful information to transmit on this subject. **2.** N/a **3.** N/a
	Slovak Republic	Yes	**1.** No. There are no policy guidelines for these kind of claims in the Slovak Republic, as there have not been such cases.

			2. Since January 2015, the Slovak Republic has not registered any claim of a Turkish citizen, only one Dublin case. **3.** No.
	Slovenia	Yes	**1.** No. **2.** Reasons for persecution from all Turkish asylum seekers are political beliefs – especially affiliation to the Gülen movement. Currently we have not yet decided on the requests of Turkish asylum seekers. **3.** No.
	Spain	Yes	**1.** Specific guidelines on this issue have not been established, and keep following the political situation in the country which is quite unpredictable at times. For example, last Government Decree-Law 679 provides for additional dismissals of thousands of civil servants, professors…On the other hand, but over 200 individuals who had been dismissed under previous decree-laws were reinstated and formerly closed newspapers were allowed to open again. Spain checks and verify all these pieces of information very carefully. Anyway, the work is done case by case and if credibility issues arise while studying the applications, the applicant is called for a second interview to perform an in-depth credibility study. **2.** An increasing number of applications based on political reasons are received. In particular, Turks who claim to be members of HIZMET (Gülen movement), high profile entrepreneurs, teachers, etc. Some of these claims were actually considered to be credible and funded and therefore granted international protection. **3.** Yes, Spain has actually noticed a significant increase of applications since august 2016. Traditionally, Spain does not receive a huge number of applications from nationals of Turkey. During 2015, only 6 applications were lodged, most of them by Kurds. But since last summer´s

			coup, Spain actually started receiving an increasing number of applications. Only in the second half of 2016 22 applications form Turkish nationals were received.
	Sweden	Yes	**1.** No Not yet. We (the Swedish Migration Agency) are also in the process of establishing a policy (guidelines) for considering such claims. **2.** The Swedish Migration Agency does not register the reasons for asylum applications in a way that enables us to answer the question. **3.** There has been an increase in the numbers of asylum application from nationals of Turkey since the coup. However, the Swedish authorities do not register the reasons for asylum applications in a way that enables us to answer the question in more detail.
	United Kingdom	Yes	**1.** No. Claims based on real or alleged association with the Gülen movement are treated the same as all other requests for asylum. **2.** Asylum claims in the UK can be found here: https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2016/asylum#asylum-appeals All cases are treated on an individual basis. **3.** No.
	Norway	Yes	**1.** No, but Norway is currently drafting its policy guidelines for claims of prosecution based on real or alleged association with the Gülen movement. **2.** Norway have received around forty applications (+ children) from persons claiming to be associated with Gülen, following the attempted coup. They Almost all applicants came as married couples and almost all of them had worked as teachers in Gülen-Schools in Africa and Asia. With a couple of exceptions, they all came directly from their country of residence in Africa and Asia. They all claim fear of prosecution, arrest, jail and ill-treatment (many of them claim to have close relatives who experienced such persecution). A few of them experienced that their bank accounts

			in Turkey has been frozen, and many of them have relatives or colleagues who experienced this. Many of them experienced problems with the Turkish embassy in their country of residence - threats and problems when applying for new passports and receiving them, especially for their young children. There are claims of Turkey putting pressure on the government of the country of residence with the aim of having them extradited. Many of them also have considered to flee to the US, Germany or Sweden, but ending up in Norway seems like a very well-considered choice. Without exception they all have valid documents with high proof value (passport, National ID-card standard, many have several additional papers). **3.** On Gülen claims, see answer 2. We also see claims that the regime is coming down harder than before on all opposition. It seems that prison sentences have become more severe and that minor activities are being persecuted to a larger extent.