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Accessing Refugee Status Procedure amid COVID-19: Study on Australia, United Kingdom and Turkey

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ABSTRACT

Refugees are the persons who are forced out of their native nations under the pressure of persecution. It is the duty of the International Forum to aid these asylum seekers' effectively. The United Nations High Commissioner of Refugees promulgates the notion of providing international protection. This paper brings forth the resettlement structures' followed by Australia, The European Union and lastly The Republic of Turkey. Each of these countries are known for aiding asylum seekers furthermore this paper aims to highlight the hardships faced amid the onset of COVID-19, these countries shut down their borders and cut down their budgets in order to balance out their economies. This led to a huge level of discomfort among the asylum seekers', refugees' ongoing determination of their international protection status.

Keywords: UNHCR, Refugee determination procedure, Resettlement Program, Common Europe Asylum system, Law on Foreigners and International Protection.

I. INTRODUCTION

The word 'asylum' originated from a latin word "asylon" which further translates into freedom from seizure². An asylum seeker refers to a person who is on a lookout for haven in another country. Every refugee can be termed as an asylum seeker however not every asylum seeker would be termed as a refugee, certain requirements are to be met in order to gain the status of a refugee. The United Nations High Commissioner (UNHCR) plays a paramount role in providing assistance and aid to refugees'. The Refugee Convention 1951, safeguards the rights of the refugees'. According to the refugee convention 1951 the states signatories to the convention have no right to impose penalties or restrict entry of refugees' seeking international protection³. Each country has different procedures to confer refugee status to people seeking

¹ Author is a student, India.

² THE State and others, 'The State of the Right of Asylum in International Law'.

³ General Provisions, 'Convention Relating to the Status of Refugees.' (1988) 15 Annual review of population law 189.

international protection . The United Nations High Commissioner for Refugees(UNHCR) is responsible for ensuring the protection of refugees’ , it overlooks the workings of determination and allocation of refugees’ in different countries.

Although there are different procedures prevailing in different countries, the UNHRC sets certain common standards for refugee status determination , which is put to practical use when the countries who are not signatories to the Refugee Convention 1951 approach the UNHCR regarding asylum seekers . The objective of refugee status determination is to examine individual cases and decide whether they fall into the purview of the definition of refugee ⁴.

The UNHCR conducts two procedures UNHCR Registration and mandates RSD these two operations are carried out individually however they are linked. The UNHCR registration is an on field operation which includes collection of information regarding the people UNHCR is concerned with i.e refugees’, internally displaced person and stateless person.⁵ The first step taken by the refugee is to register themselves in the registration status determination by filling out the RSD application form (annex 3-1) the form consists of questions related to reasons and situations prevailing in the home country which led them to seek international protection . It is the duty of the UNHCR staff that their forms get distributed evenly and the language of form is comprehended by every applicant. ⁶The Registration information sheet is used to store the RSD application form, it is important for all the principal applicants and dependents to complete it . The RSD application form’s completion gives the refugees’ scope of notifying any specific protection need they may have . As for the children they should be assisted by the UNHCR registration staff during the RSD application.

After completion of the RSD application form , the asylum seekers should be sent for an interview. The environment for conducting the interview should be non threatening and should be comfortable. The request of an applicant is given preference if the applicant requests for a particular interviewer (male/female) or an interpreter , it shall be provided to them . According to the set procedure all the adults along with their dependants / family members are required to sit for an interview on individual basis and a confidential registration interview⁷ .

The women are given more emphasis on the confidentiality interview and counselling because often they have been victims of sexual violence and they are hesitant to elaborate about their

⁴ UNHCR, ‘Procedural Standards for Refugee Status Determination under UNHCR ’ s Mandate Procedural Standards for RSD under UNHCR ’ s Mandate Table of Contents UNIT 1 Introduction UNIT 2 General Issues’.

⁵ Ibid.

⁶ UNHCR, ‘Procedural Standards for Refugee Status Determination under UNHCR ’ s Mandate Procedural Standards for RSD under UNHCR ’ s Mandate Table of Contents UNIT 1 Introduction UNIT 2 General Issues’.

⁷ Ibid.

experiences in front of the family.

The burden of providing documents is on the refugees', they are required to submit original or the available copies that would help validate their application for international protection. If the documents are not available the applicant has to provide a valid explanation which would be recorded in the RSD application form. The applicants' should not be necessitated into retrieving the documents by visiting their homeland⁸.

After the formalities are completed for the RSD form, each applicant is assigned a unique registration number. After attaining a unique identification number the applicants are given a UNHCR asylum seeker certificate which indicates that the particular applicant is under process of gaining refugee status by the UNHCR however this unique identification number is time bound and is issued for an year. The contents of the UNHCR Asylum seeker certificates are as follows name, date of birth and nationality, UNHCR registration number of applicant, photograph of the applicant, place and date of arrival in the host country, reference number issued by UNHCR, issuance of UNHCR Asylum seeker certificate and the time period of its validity, signature of the UNHCR member who issued the asylum certificate and lastly address and contact information of the UNHCR office which issued the RSD application⁹.

On approval of RSD decision, it is the duty of the UNHCR members' to notify the applicant. Every RSD decision whether positive or negative should be inspected by the RSD supervisor.¹⁰

The UNHCR Refugee certificates are issued to applicants who have successfully passed the UNHCR procedure for determination of refugee¹¹. The refugee certificate should clearly denote that the applicant is now a refugee and forcible return to his/her homeland where there is fear of persecution is now prohibited. UNHCR secures that proper rights and assistance is being conferred to the asylum seekers and forwarding that priority UNHCR played a crucial role in mediating the asylum seekers' during the spread of COVID-19.

The refugee determination process was severely affected and delayed due to the onset of coronavirus. The UNHCR took effective methods in order to support the refugees', stateless and internally displaced persons. The asylum seekers have particularly felt the strain of coronavirus. There were approximately 168 countries which shut down their borders completely or partially and furthermore pushed the asylum seekers' back to their habitual

⁸ Ibid.

⁹ UNHCR, 'Procedural Standards for Refugee Status Determination under UNHCR's Mandate Procedural Standards for RSD under UNHCR's Mandate Table of Contents UNIT 1 Introduction UNIT 2 General Issues'.

¹⁰ Ibid.

¹¹ Ibid.

countries where they feared persecution¹². On 25th March 2020, UNHCR High Commissioner declared global level 2 emergency and system wide scale-up protocols were adopted to respond to COVID-19¹³. UNHCR worked with different states suggesting methods to continue the refugee determination process whilst maintaining social distancing. The UNHCR strongly suggested opening of the borders and adopting practice of mandatory quarantine for the asylum seekers, which would help curb and monitor the virus.

Xenophobia, stigmatization and discriminatory observations were made towards the asylum seekers which led to incidents of forced movement, evictions, loss of access to medical care or expulsion from hotels or other public places¹⁴. Another observation made by UNHCR was increase in gender-based crimes, crimes like child marriage and genital mutilation. UNHCR formulated certain education programmes for continuing the educational services for children residing in vulnerable communities in order to avoid children from being employed in armed recruitment.¹⁵

UNHCR was active in ensuring that the refugees', internally displaced people and stateless persons were provided with adequate resources to combat COVID-19. The rights and assistance of refugees', IDPs and stateless persons in different host countries were also monitored by the UNHCR.

The government of Australia puts the asylum seekers' through the resettlement programme which confers different types of visas' after individually analysing the situation of the asylum seeker. Amid COVID-19, Australia like many other countries shut down their borders and cut down the budget of resettlement procedure, in order to balance out the economy. The author highlights the resettlement procedure and issues faced by the refugees' in Australia during the onset of COVID-19.

II. ANALYSING AUSTRALIA'S RESETTLEMENT PROCEDURE

Refugee resettlement is a cry for help, the practice of providing an asylum to refugees from various parts of the world is not an alien practice to Australia. Australia abides by the United Nations Commission on Human Rights requirements and set standards for aiding a refugee. The Australian humanitarian program can be divided into two sub categories :-

1. Offshore¹⁶

¹² Unhcr Elizabeth and Marie Stuart, 'REPORT ON UNHCR ' s RESPONSE TO COVID-19'.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Unhcr Elizabeth and Marie Stuart, 'REPORT ON UNHCR ' s RESPONSE TO COVID-19'.

¹⁶ United Nations High Commissioner for Refugees (Ed.), 'UNHCR Resettlement Handbook - Country Chapters:

- The offshore program refers to the practise of focusing on the people who reside outside the Australian territory, but are in a dire need for humanitarian easement.

2. Onshore ¹⁷

- The onshore program focuses on the practise of providing permanent protection visa to the people who have entered Australia with their respective visas'

The offshore program primarily focuses on providing resettlement to refugees'. The offshore program is an effort on part of Australia to effectively contribute towards the common problem faced by many countries which is the humanitarian crisis and refugee resettlement . The offshore program comprise of the 'refugee category' which primarily focuses on providing aid to applicants who are subjugated to persecution and cannot afford to reside in their native country , the United Nations commission on Human Rights identify applicants in this category ,furthermore the refugee category is stretched out into four broad heads¹⁸ :-

- (i) Refugee visa
- (ii) Refugee In country special humanitarian visa
- (iii) Emergency rescue visa
- (iv) Women at risk visa

A refugee is defined as a person who has been victim of violence, conflict and persecution and due to this fear has crossed international borders, in search of safety . The1951 Refugee Convention defines refugee as :-

“someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race,religion,nationality,membership of a particular social group or political opinion”¹⁹

The claimant bears the burden of evidence and should be able to prove the intensity/grade of persecution faced by the applicant in the home country. The scope of applicant's association to Australia The capability of other countries to provide better resettlement facilities to the applicant Lastly, Australia's resettlement capacity is considered while conferring refugee visa²⁰.

Australia' [2018] United Nations High Commissioner for Refugees (UNHCR) <<https://www.unhcr.org/4a2ccf4c6.html>>

¹⁷. Ibid

¹⁸ Rights in Exile Programme 'Resettlement to Australia' <refugeelegalaidinformation>

¹⁹ United Nations High Commissioner for Refugees, 'P R O T O C O L' [1951] Convention and Protocol Relating to the Status of Refugees.

²⁰ Rights in Exile Programme 'Resettlement to Australia' <refugeelegalaidinformation>

This visa enables people who are threatened in their native country or habitual home ,who have not been allowed to leave the country to seek refuge abroad. This visa is seldom used for this task. Applications are also evaluated on an individual analysis of the situation and personal incidents faced by the applicants, this visa is known as the ‘ refugee in country special humanitarian visa²¹.

This visa is specifically given to applicants who are in grave danger of being prosecuted in their native country .Applicants who are coerced into travel to Australia due to abrupt threat of personal security or those who face threat of persecution in their native country. These types of visas’ are known as emergency rescue visas²².

This type of visa is hardly granted and all the applicants for issuance of emergency rescue visa must be cleared through the UNHCR’s Regional office which is located in Canberra. This is one of the fastest visa issuance, once the applicant’ issue is cleared from the regional office within the span of two days the department decides whether to move the application forward or not . Once the application moves on, the aim is to withdraw the applicant from the site of conflict with the time period of three days .

This type of visa is known as women at risk visa and it specifically safeguards the woman applicants who are residing out of their native nation and are not accompanied by any male member of their families and are vulnerable to gender based exploitation

In order to gain a refugee visa, the burden of proof lies on the applicant, he/needs to undergo the procedure for registration :-

→ The steps to apply for Australia’s Resettlement program:-²³

1. The application must be accompanied by two recent passport-size photographs of each person included in Form 842(*application for humanitarian visa*) with the applicants’ full name written on the back of each photograph.
2. Applicants’ identity verification
3. Official copies of marriage/divorce paper
4. Official copies of child custody (depends person to person)
5. Copy of official adoption paper and background of adopted child .
6. Certified copy of association with any international NGO

²¹ Ibid .

²² Rights in Exile Programme ‘Resettlement to Australia’ < [refugeelaidinformation](#)>

²³ United Nations High Commissioner for Refugees (Ed.) (n 13).

7. Official copy of travel documents and if no travel documents are possessed with the applicant, the applicant has to enlist the reasons for not possessing it .
8. If any applicant mentioned in the application for refugee settlement has certified copy of visa's residence , it has to be presented to the resettlement authorities .
9. The applicants have to submit a written document detailing the reasons for fleeing from the native country and level of persecution risk.
10. The applicant must present certified copies of any discharge paper

After the submission of required documents and implementation of instructed formalites , the applications along with the documents are forwarded to the department of immigration and border protection office. As soon as the application is received by the DIPB they send out an acknowledgement receipt to the proposer²⁴. The processing of applications can stretch upto months if the office needs to seek lucidness regarding the provided information then the proposer is contacted . The processing of application takes place in the listed order starting with the initial assessment ,interview and health requirements.

The first stage is Initial assessment, where the office decides whether to move an application forward or not, if the application moves forward then,it is the onset of second stage which is the interview,the applicants who have been approved would be visited and questioned by an immigration officer after this starts the process of screening health²⁵ .

Further comes health plays a pivotal role in the process of granting refugees' asylum . The assisting country has to make sure that no refugee brings forth illness which hampers the health of the Australian citizens .

During the screening process of applicants, they should be free from tuberculosis or any other ailment which exposes the australian committee to risk²⁶ . The burden of bearing all the costs for health screening is the responsibility of the Australian government .During screening, the applicants who have an active case of tuberculosis would be presented with an option of receiving specialised treatment before being put through the re-evaluation process. The health screening and requirements are waived off , there are "compassionate and compelling circumstances"²⁷.An applicant has the responsibility to sign off a health undertaking if he/she is suffering from a particular ailment, that further requires monitoring in Australia .

²⁴ Global Legal, 'Refugee Law and Policy In Selected Countries' (2016) 6462.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

- **Departure health check (DHC) Treatment**

This refers to the offshore humanitarian visa applicants . This checkup is done after the applicants are approved and they are set to be flown in Australia. The protocol for conducting this test is within 72 hours of departure²⁸ .This is an essential procedure which ensures that the applicant is physically and health wise capable to travel via airways . The test consists of a general physical examination, Applicants who have a history of tuberculosis undergo a tuberculosis evaluation,Applicants need to undergo malaria and parasite checkup and treatment, if required .

Applicants who fall into the age bracket of 9 months - 54 years need to be given immunisations for measles, mumps and rubella, pregnant women and applicants who have been vaccinated earlier are an exception to this condition²⁹ . If essential the applicants would be administered specific vaccinations .

The departure health checkup ensures that the refugees are healthy and able enough to travel, they keep the refugees updated about the newest travel health information and the refugees are also provided with a well instructed guide to different healthcare services, they may reach out to on setting foot in Australia.After the submission of documents, interview and health screening the cost of travel is beared by the Australian government along with the facilities like medical examination and cultural orientation.

The concept of Illegal refugees,they are mostly referred as the group of refugees which travel by boat to Australian Territory, simply put illegal migrants refer to asylum seekers who don't possess any official documentation to prove their identity .

- **onshore/ illegal refugees: seeking asylum in Australia**

The process for granting a refugee visa to the people who approach Australia with full documentation are registered via procedure which is systematic in nature however when it comes to registration of refugees without the visa , the rights of the refugees are diminished. The Australian government follows a strict procedure when it comes to monitoring asylees . Australia holds the illegal refugees in detention centres until the temporary visa is granted.

The steps involved in the process of seeking asylum in Australia are :-

- a. Admission in detention centre
- b. Bridging visa

²⁸ United Nations High Commissioner for Refugees (Ed.) (n 13).

²⁹United Nations High Commissioner for Refugees (Ed.) (n 13).

- c. Fast track application process
- d. Grant of temporary visa

- **Admission in detention centres**

The 'illegal refugees' mostly navigate from boats to the Australian territory. On arrival they are admitted to the detention centre and the application for granting visa is initiated. According to the Migration Act 1958, Australia has a strict policy while attending to refugees without visa or official documents³⁰. Being termed as an 'illegal refugee' does not criminalise the people in Australia, it just directs them into a detention centre, there is no restriction upon the time limit for keeping the asylees in detention. As soon as their application for visa is approved they are released from the detention centre.

- **Bridging Visa**

A Bridging visa refers to the type of visa which is granted to asylees on a temporary basis, till the time their immigration status is determined. However an asylee cannot solely sustain on bridging visa, the adult asylees are required to sign 'code of behaviour' which indicates that asylees would be willing to cooperate with the Australian government³¹. There is a program which lays down certain guidelines to be followed while residing in the detention camp and it also provides with financial assistance, Status Resolution Support Program (SRSS) works towards aiding asylees.³²

- **Fastrack Application process**

Fastrack application process solely aims to analyse visa applications of 'illegal refugees', people who arrived via boat.

The fast track application process is initiated by the minister who would invite the fast track applicants for applying for a temporary protection visa (TPA) or safe haven enterprise (SHEU)³³. After the invite, the applicant is interviewed by an officer from the department of home affairs.

The applicant would be assessed on basis of refugee claim, whether the applicant is credible or not i.e whether the applicant is being truthful or not and lastly applicant's identity³⁴. The

³⁰ RoadtoRefuge, 'Australian government international law' <https://www.roadsto-refuge.com.au/whois/whois_government.html#:~:text=Under%20the%20Migration%20Act%201958,educate%20people%20about%20the%20law.> accessed on 1st march 2021

³¹ Legal (n 16).

³² Ibid.

³³ Renata Kaldor Centre, 'REFUGEE STATUS DETERMINATION' 1.

³⁴ Ibid.

officer from the department of home ministry would ascertain whether the applicant should be conferred with refugee protection or not .

Merit Review Stage, this refers to the stage where the applicant is rejected after the interview, however despite of the rejection, one can apply for ‘review’ of decisions at the migration and refugee division of administrative appeals tribunal (MRD-AAT)³⁵. If the applicant is rejected at ‘merit review stage’ then they can resort to the Federal Circuit Court of Australia .

The federal circuit court of Australia does not analyse the facts to case per se but they just review, if there has been an error in judgment , in rare cases if after the merit review stage and federal circuit court of australia has denied the applicant they can approach the High court of Australia³⁶ .

After the applicant has been rejected from all the above listed options , then he/she can approach the minister asking to personally grant them a visa . This way of visa accord is very exceptional .

The fast track procedure allows the asylum seekers’ to apply for Temporary Protection Visa (TPV) or Safe Haven Enterprise Visa (SHEV).

- **Temporary visa**

After the applicant is passed through the above listed procedure then he/she is granted a temporary visa. Temporary visas’ have been criticized by many international organisations on grounds that, it is burdensome for the refugees who have already gone through colossal amount of mental, physical and psychological torture still gain a temporary visa which restricts their exercise of rights in Austrlia . However, the temporary visa is a step up from the bridging visa, the rights and benefits granted along with receival of temporary visa are Job- matching assistance, applicants who require counselling for trauma and further psychological assistance, asylum seekers’ on temporary visa can enroll their children in local schools, temporary visa holders’ are provided access to adult english program³⁷.

- **Safe Haven Enterprise Visa**

The aim of this visa to bring forth protection and to strengthen regional Australia by promoting enterprise . The temporary visa and safe haven enterprise visa confers the same rights and freedom to the refugees . However a key difference between the two of them is the Safe Haven Enterprise visa , which is a gradual pathway to permanent citizenship in Australia.After the

³⁵ Legal (n 16).

³⁶ Centre (n 19).

³⁷ Legal (n 16).

SHEV expires, a refugee can be in sync with the regional/ work study pathway and then can further apply for a work , student or a family visa³⁸ .

III. AUSTRALIA: COVID 19 IMPACT ON REFUGEES'

Coronavirus pandemic had its impact on the whole world. Countries suffered in various aspects like healthcare, economy, political turmoil etc . The refugees' specifically had to bear the effect of COVID-19 , since as safety measures, many countries shut down their territorial boundaries in order to stop the refugee intake to curb the spreading of virus.

Australia shut down its humanitarian program externally and the temporary visa holders, safe haven visa holders also faced several problems during COVID-19. The Australian government decided to cut down the funds which went into humanitarian programs which support free English programs for adults and jobs for the refugees' on temporary or safe haven visas. Another set of problems highlighted towards the onset of COVID-19 virus spread was the condition of detention centres'.

- First of the changes which Australian government took was closure of Australian borders for refugees' in the month of March when COVID-19 struck . The government stated that keeping in mind the financial strains and safety of Australian citizens the borders would be secured.
- Secondly, the external aid of the country was completely shut down, however even the refugees' in the country on temporary visa, safe haven visa or in detention centres waiting for the determination of their visa confirmation suffered, as the Australian government suggested to cut down expenses on the humanitarian program which could save \$700³⁹.
- Thirdly, the situation of detention centres puts the detainees' at a higher risk of infection . Detainees' have complained of overcrowding, lack of social distancing, lack of hand sanitizers and other hygiene practises .
- The refugees' being interviewed for visa considerations are facing technological gaps. The Administrative appeals tribunals (AAT) are conducting the interviews via phone calls or video conference which is troublesome for the refugees; as they do not have a balanced access to the internet⁴⁰ .

³⁸ Renata Kaldor Centre and Enterprise Visas Shevs, '(TPVs) AND SAFE HAVEN'.

³⁹ Phil Mercer, ' Australia to reduce refugee budget cuts' (10th October) <<https://www.voanews.com/east-asia-pacific/australia-reduce-refugee-intake-under-covid-19-budget-cuts>> accessed on 7th March 2021

⁴⁰ Kerry Murphy, 'COVID-19: Some issues for asylum seekers and refugees in Australia' (17th April 2020)

- The refugees' who do not have any sort of visas' and are placed in detention centre have no access to any sort of healthcare and neither are they allowed to work to support themselves
- The refugees' on Safe enterprise visa (SHEV) are facing several problems . As mentioned above the SHEV is granted for five years and after expiration there are certain criterias' they need to meet in order to reapply .

(i) The SHEV holders need to complete a 42 month period in the designated regional area and if they are not able to complete the 42 month criteria, they are not eligible to apply for the non protection visa⁴¹.

(ii) With the onset of COVID-19, many SHEV holders have been out of jobs, majority of the SHEV holders are engaged in blue-collar work and are hence paid on minimum wage or hourly basis, with shutting down of everything they have been out of jobs and struggling to meet ends.

(iii) Furthermore, the maintenance of SHEV holding becomes more difficult as, the holders enrolled in educational institutions have to receive 'face to face' study which during the time of pandemic is not reasonable or practical at any level⁴² .

(iv) As mentioned above, many SHEV holders were out of jobs during the time of pandemic and lockdown so the financial situation is tight; however the government offers 'special benefit by centrelink' for those holders who are specifically affected by the COVID-19⁴³ . However this is only a temporary solution because this pushed the SHEV holders into deep , with the government funding the holders , then the period in the designated area would not be counted in the time period of 42 months .

(v) Lastly, many SHEV holders would be losing their visa, just because they traveled to their countries with the onset of COVID-19 their returns would be delayed which would result in violation of assigned 'travel permission'.

The author aims to highlights the European Union's refugee settlement program and hardships faced by the refugees' whilst applying for international protection in European Union during the onset of COVID-19

<<https://www.kaldorcentre.unsw.edu.au/publication/covid-19-some-issues-asylum-seekers-and-refugees-australia>> accessed on 7th march 2021

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

IV. ANALYSING EUROPEAN UNION'S REFUGEE PROGRAM: AN INSIGHT INTO REQUIREMENTS AND PROCEDURE

There is a five step procedure which an asylum applicant has to go through in order to gain international protection . The first step is Asylum procedure directive which aims to provide a fair process for determination of international protection further reception condition directive allocates the asylum seeker with adequate living conditions, then comes the qualitative directive which establishes ground for protection and also provides the refugees' rights to education, employment and travel documents, then comes the revised Dublin Regulation which determines which state has the responsibility to intake the refugees' and lastly is the electronic fingerprint , the eurodac regulation this aims at storing and preventing grave crimes.

- **The Common European Asylum**

The common European Asylum system is in compliance with the geneva convention of 28th july 1951 relating to the status of refugees. Since 1999, the european Union was in process of revolutionizing their policies on intaking the refugees', during the early 2000's there was an increase in the number of asylum seekers coming to european union⁴⁴. The agenda of the European Union's asylum scheme is to keep track of the asylum seekers. The amended procedure aims to provide the refugees' a safe environment and a fair shot at obtaining the refugee status. The aims behind creation of CEAS were:-⁴⁵

1. Whilst maintaining the external boundaries, EU must provide aid to all refugees' seeking asylum and there should be no violation of fundamental rights of refugees'
2. EU must provide a common procedure for all to refugees' in order to save time and ensure equal treatment for all.
3. The vulnerable groups and gender who are at risk of exploitation should be given adequate considerations.
4. CEAS also aims at determination of the member states who are responsible for examining asylum applicants.
5. CEAS was formed to assure a common system for registration of refugees; for all the states in European Union and to avoid legal conflicts .

The European Union refugee settlement involves Asylum Procedure directive, reception

⁴⁴ 'European Asylum System'.

⁴⁵ Ibid.

conditions, qualification directive, Dublin regulation, Eurodac regulation.

- **The Asylum Procedure Directive**

According to the Council Directive 2013 on minimum standards on procedure in member states for granting and withdrawing refugee status, according to article 6 the applicants have access to the procedure by registering to a competent authorities, the registration process takes place within 3 days after filing of the application⁴⁶. However when there is a large number of applications being processed then time for can be extended from 3 days to 10 days.

CEAS allows the applicants seeking international protection to reside in the member state where application is made. According to article 9(1) an applicant has the right to reside in the member state till his/her application is being processed. An applicant is guaranteed non-refoulement⁴⁷.

Article 12 states that the applicants who have applied for international protection have certain rights like ;right to an interpreter's service for the submission of their cases', right to communicate with the UNHRC or any other body which is facilitating the application of the refugee.

Article 13 entails the requirements asylum applicants need to fulfill, firstly it is essential for the asylum seeker to report to competent authorities on the assigned time, moving on they should hand in important official documents like passport along with their present place of residence and any other changes, if required the asylum seeker would be searched by the competent authorities and if necessary competent authorities might take a photograph of them along with the applicant's oral statements.⁴⁸

Prior to the determination the asylum seeker is given an opportunity of personal interview which is enlisted in article 14 and 15 of the council directive 2013 on minimum standards on procedure in member states. The state shall prioritize competency of the interviewer, that the interviewer is competent to conduct the interview, he/she must be fully equipped with the cultural, political and personal background of the asylum seeker. If an asylum seeker is unfit or unstable to answer in the personal interview, the member states are obligated to ask for a medical or psychological certificate⁴⁹. However, personal interview is not the final determinant for granting international protection and absence of personal interview should not be a factor

⁴⁶ The European Council and The European Council, 'L 180/60' 60.

⁴⁷ Ibid.

⁴⁸ The European Council and The European Council, 'L 180/60' 60.

⁴⁹ Ibid.

for refusal for international protection .

Furtheron, article 19 states about the legal assistance provided to the refugees'. The member states also provide free legal assistance to refugees' appearing before tribunal or court or to the refugees; who lack resources to defend themselves .

According to article 26 ,the practise of holding a refugee in detention should not be fuelled by the fact that he/she is an applicant seeking international protection furthermore if a refugee is held in detention , they should be provided with an option of 'speedy trial'.⁵⁰

• **Receptive Conditions**

Receptive conditions refer to a set of rules which are laid down to protect and ensure fair treatment to the refugees' applying for international protection. These sets of universal standards are to be followed by all the states of european Union to ensure a minimum standard of living.

As per the article 5 of Directive 2013 of the european parliament and of the council , laying down standards for the reception of applicants for international protection the member state bears the responsibility to inform the applicants within a span of fifteen days, that their application for international protection has been filed along with the conditions and rules they should comply to while their application is being processed⁵¹ . It is the duty of the member states to impart information and contact information about various international organisations working in the interest of the refugees'.

According to article 6, it is the duty to provide the applicant with a document which certifies their status as an applicant , this should be done within three days after the filing of the application . When it comes to travel permissions, it should be issued by the member states when their presence is essential at another state i.e during the time of a humanitarian crisis⁵² .

Article 7 of the directive states the provisions for residence and freedom of movement of refugees' . They are allowed to travel within the territory of the assigned area⁵³ . The place of residence of an applicant is decided through many reasons like public order, public interest and effective monitoring of their applications.

Detention is not the primary option and according to article 8 of the directive a refugee shall not be held in detention purely because of the fact that they have applied for international

⁵⁰ *ibid.*

⁵¹ THE European Parliament and others, 'L 180/96' 96.

⁵² THE European Parliament and others, 'L 180/96' 96.

⁵³ *ibid.*

protection . A member state is allowed to detain a refugee under the following conditions:-⁵⁴

1. To determine their nationality and confirm their identity .
2. To vividly understand the background of the applicant and analyse the reasons for applying for international protection, only applied when there is potential of a refugee fleeing .
3. For national security and maintenance of public order .

Furthermore article 9 entails the assurances for detained applicants firstly, when detention is mandated for a refugee it should be in written form undersigned by the judiciary or administration enlisting the reasons for mandating the detention order . Secondly, after the issuance of detention , ‘speedy trial’ shall be given the topmost priority. Thirdly, detention shall be monitored timely in order to double check the facts and bring forth new information or facts which would cancel the detention order . Fourthly , when it comes to judicial reviews, the duty relies on the member states to ensure that the applicant is receiving efficient and free legal aid.

Article 11 deals with the needs of applicants who are vulnerable , the article focuses on the practise of providing and prioritising health care who are in vulnerable conditions . The article also covers conditions for detained family and focuses on the concept of privacy given to the applicants .

Article 14 and 15 focuses on the conditions for schooling and education for minors .and employment opportunities for adults respectively ⁵⁵According to the article minors should be having the same access to schooling as the nationals do. The member states cannot cancel the educational facilities when the minor turns into an adolescent . The applicant should be able to participate in the labour market within 9 months of filing the international protection application. If there are any appeals ongoing then the access to the labour market shall not be restricted .

• **Qualitative Directive**

The qualitative directive works towards identifying the refugees’ who need international protection and also ensures that they are provided minimum benefits in all member states. Directive 2011 of European Parliament and of the Council on standards for qualification of this country nationals or stateless persons as beneficiaries of international protection , for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of

⁵⁴ *ibid*

⁵⁵ THE European Parliament and others, ‘L 180/96’ 96.

protection granted states that if necessary member states can introduce different set of directive apart from the already set ones in order to favour the refugees' seeking international protection.

Qualitative directive also focuses on the practise of persecution due to affiliation with a social group i.e issues arising in social groups like gender identity and sexual orientation , various ancient practises like genital mutilation, forced sterilisation or forced abortion should also fall under the purview of granting international protection⁵⁶ .

According to article 4 of the directive 2011 on standards for qualification of country nationals or stateless persons as beneficiaries of international protection , the obligation of submission of required documents regarding applicant's age,background, identity,nationalites, country, places of previous residence, previous asylum applications, travel route, travel documents rely on the applicant.⁵⁷ The applicant would be analysed on an individual basis which means that an individual's nationality, religious background, law and regulations of the country documents presented and personal experiences would be taken into account . According to article 5 (5) exempts the applicant when he/she is not able to submit all the required documents if they have made legitimate efforts on their application or when they have presented all the documents in their possession at the moment or if their circumstances are logical and consistent and do not overlap with the general situation of the applicant.

Furthermore, article 9 states the criteria for qualifying as a refugee an act of persecution should fall within the meaning of article 1(A) of the geneva convention which should be threatening fundamental human rights,acts which affect the mental, physical and sexual well being of a person , acts which display the partial or discriminatory behaviour of the authorities, failure or partial attitude of the judiciary system or acts which are focused on specific gender or social groups ⁵⁸.

- **Dublin regulation**

The Dublin regulation refers to a set of rules which come into play while determining which member state would be held responsible for granting an asylee international protection .The first country of asylum refers to the country where the applicant has been given the status of refugee and the refugee has the right of non-refoulement .The member states are allowed to apply the concept of safe third country when the authorities feel that their rights would be well

⁵⁶ The Geneva Convention, '20.12.2011' 9.

⁵⁷ *ibid.*

⁵⁸ The Geneva Convention, '20.12.2011' 9.

protected in other states . While applying the principle of safe third country , the member states shall ensure that the refugee has some connection with the third state , insurance must be given regarding maintenance of principle of non- refoulement , the refugee is also given right to challenge the decision of member state on basis that he/she would be subjected to cruelty, torture in the third safe country⁵⁹ .

The member states bear the responsibility of examining applicants of third-country nationals or a stateless person entering via border or the transit zones. Furthermore, the first member states would bear the responsibility when no other member can be assigned for the refugee.

Safety of minors is a primary concern , the member states shall appoint a representative who guides the minor in all the procedures. The article further states that specific factors like family unification, analysing best interest of the child - emotionally and socially, reviewing the safety conditions and noting down the views of the minor are important factors to be considered when deciding upon a member state.

The member states grant a ‘residence document’ which sanctions the third country persons or the stateless persons to reside and allows movement in the territory of the member state , with the grant of residence document comes a guarantee of temporary protection⁶⁰ .

A visa is granted by the member states to the third country persons or stateless persons which allows them to enter a member state or several member states⁶¹ . There are three different types of visas’ firstly, the long stay visa which is mandated by a member state in congruence with its national law . It allows the applicant to stay for 3 months or longer . Second type of visa is issued by the member state for the purpose of allowing movement or for voluntary stay in one or more member states , they are granted for a period of 3-6 months and they are known as ‘ short stay visa’ and lastly the member states issue a visa particularly for allowing movements through airports of one or more member states , these visa is known as the ‘airport transit visa’.

Article 12 of the directive elaborates upon the issuance of residence documents or the visas’. The member state issuing the valid residence document would be responsible for processing the application for international protection . However when there is a clash of issuance of valid residence document or visa by different member states then there is a set order which has to be followed while deciding the responsibility of member states are as follows by reviewing the issuance of residence document granting the longest period of residency or the residence

⁵⁹ THE Council, OF The and European Union, ‘13.12.2005’ 13.

⁶⁰ THE European Parliament and others, ‘The Dublin III Regulation’ [2015] EU Immigration and Asylum Law (Text and Commentary): Second Revised Edition 345.

⁶¹ Parliament and others (n 24).

document which has the latest expiry date. If it is found that the applicant acquired the residence document or the visa via false identity or invalid documents, then it is the duty of the member state which issued the document to prove that residence document of visa was obtained through false pretense.

Another important aspect which comes into play while determining the responsibility of member states is the status of the dependent persons. The provisions for dependent persons are stated in article 16. A dependent can be termed as a pregnant woman, a new-born child, persons with serious illness or disability, aged persons, applicants who are dependent on their children and siblings are termed as dependents⁶².

- **Eurodac**

Eurodac refers to a central electronic system which is common to all member states, the objective of this electronic system is to store electronic fingerprints of the refugees' in order to maintain safety and avoid criminal offences. There is no age bar for taking the fingerprints of the international refugee but a standard age has been set which is 14 years old, hence an applicant for international protection whose fingerprint should be stored should at least be of 14 years⁶³. According to the directive for eurodac regulations the fingerprint should be kept in the central system for at least 10 years and the fingerprint should be permanently removed once the applicant is granted citizenship of the member state.

Article 9 of the directive describes the procedure of collection of fingerprints for international protection applicant within 72 hours of submitting the application for international protection the fingerprints should be taken. If the fingerprints are not taken within 72 hours the responsibility of member states increases more and they have the duty to take the fingerprints within the next 48 hours. If an applicant faces grave health issues and its not practically possible for taking the fingerprint the member states shall wait till the health conditions no longer prevail and then send the fingerprint in the following 48 hours.

Since the main objective of establishing Eurodac is ensuring safety article 21 of the directive states certain conditions where the eurodac data would be accessible to Europol are when there is potential reason to believe that the data would be helpful in avoiding and detecting any criminal offense of terrorist attack. Europol aims to maintain public security of citizens of member states⁶⁴.

⁶² Parliament and others (n 24).

⁶³ OFTHE Council, '29.6.2013' 1.

⁶⁴ *ibid*

V. IMPACT OF COVID 19 ON THIRD COUNTRY NATIONALS AND STATELESS PERSONS

With the onset of COVID-19, many European Union states shut down entry and movement in external and internal territories to curb the spread of the virus. In order to restrict the spread of the virus, there were specific health guidelines to be followed at external and internal borders issued by the European Union.

The external border was to be put under surveillance of 'screening measures' which would analyse the presence or symptoms or exposure to COVID 19 from the travellers coming from different parts⁶⁵. It is essential to sign the public health passenger locator form for the passengers arriving via aircraft, train, ferry and for the passengers entering via ships should complete and sign the maritime declaration of health. Apart from the entry point put under 'screening measure' the exit point should also be equipped with screening measures to make sure that the travellers having COVID-19 are not allowed to travel any further.

In accordance to Schengen Border Code article 2(21) a member state can deny entry to third country national seeking international protection on pretext of 'threat to public health'. This article allows the member states to send back the asylees' solely on basis of carrying a potential virus which would cause upheavals to the citizens of European Union. Instead of sending back the refugees', the member states should turn to alternative measures such as practising isolation or mandatory quarantine for two weeks⁶⁶.

As mentioned above the Dublin regulation, decides which member state is responsible for intaking the refugee. Primary focus of this regulation is focus on the right of refugees' to be placed with their families. However due to Covid - 19, in accordance to article 28 of the Schengen Border Code, the member states have the power to restrict the internal movement. Due to this being imposed in many member states, the unification process of families under the Dublin regulation is delayed⁶⁷.

The refugees' are more susceptible to coronavirus due to poor and clustered living conditions. The refugees' in reception/detention centres are sharing the bathrooms, rooms and kitchens, it is impossible to follow the concept of 'social distancing' in the camps.

UNHCR enlisted certain code of conduct while handling the international protection applications and provisions for reception and detention.

⁶⁵ European Union, 'And Agencies' (2010) C Online 1.

⁶⁶ International Covenant and others, 'No Title'.

⁶⁷ *ibid*

- Personal interview is a primary part of the procedure , it gives the applicant an opportunity to present his/her facts directly . However UNHCR states that modality needs to be assessed individually which would later on prevent the interview from being interrupted by technical problems and avoid anxiety for the applicants . Personal interviews via video calls are not ideal for minors, persons with hearing impairment , or persons who is mentally challenged .

Austria, has adopted the system of conducting video- calling interviews which take place behind a glass door, with enough distance among the parties involved in the process ⁶⁸.

- Face to face interviews’ should only be resorted to where remote interview is not possible and the interviewee should only be called in the designated time slot to avoid over- crowding.
- When remote interview and face to face interview both are not possible then, an applicant shall file an application and his/her application shall be taken care of without an interview.

Poland, has given a way out to their applicants by starting a practise of scanning the ‘relevant documents’ and sending them via email or standard mail⁶⁹ .

- With the concern rising regarding the spread of coronavirus in detention camps and reception centres, UNHCR suggested member states to particularly shift applicants above the age of 60 to private accommodations or a smaller room, since the elder applicants are more at risk⁷⁰ .
- Member states were suggested to install sanitizer and hand washing facilities in all the rooms along with placement of plexiglass shields in order to promote social distancing.
- Epidemiological surveillance was suggested , which includes referrals and timely reporting of cases to world health organisations. The WHO can expedite the infected patients.

Italy has adopted the practise of ‘social distancing’ the ministry of interior issued which focused upon transmission prevention methods in their reception facilities⁷¹ .

⁶⁸ The Covid- and others, ‘Practical Recommendations and Good Practice to Address Protection Concerns in the Context of the COVID-19 Pandemic’ 1.

⁶⁹ *ibid*

⁷⁰ *ibid*

⁷¹ *ibid*

Another significant example is Ireland , which has constructed an off site, isolation facility specifically for older applicants and applicants who have a compromised immune system .

The Republic of Turkey bears a huge responsibility of syrian refugees’ and with the official signing of the joint pact between the European Union and Republic of Turkey, Turkey now harbours around 3.6 million syrian refugees’ . The author aims to highlight Turkey’s recent foreigner’s international protection act which grants refuge to asylum seekers’ from different countries furthermore emphasis is given to the plight faced by the asylum seekers’ amid COVID-19.

VI. ANALYSING TURKEY: INSIGHT INTO ASYLUM PROCEDURES

Turkey is a safe haven to around 4 million refugees’ out of which 3.6 million refugees’ are syrian ⁷². Turkey has faced the issue of illegal migration for a long time, prior to the syrian crisis. European Union had raised the issue of illegal migrants transiting through Turkey and threatening refugee influx in european union. To act upon this issue of illegal migrants , European Union and the Republic of Turkey signed the ‘joint action plan’ in 2015 . The aim of the plan was aimed at providing effective aid and management of syrian refugees’ collectively by European Union and Republic of Turkey.

(A) The Joint Action Plan 2015

The Joint Action Plan functions are divided into two parts . The first part focuses on reasoning out the factors driving syrian refugees’ to cause mass influx and furthermore, the plan focuses on providing proper aid and assistance to the refugees’ within the territory of Turkey. The government of Turkey prioritizes the needs of syrian refugees’ and aims to provide them effective humanitarian assistance, legal assistance, psychological support⁷³ and makes it a point that the syrian refugees’ are socially included in the turkish society by providing them access to the education system and labour markets . The second part of the plan is focused on joint cooperation between the European Union and Republic of Turkey , European Union provides Turkey with funds in order to manage and assist the syrian refugees’ in turkish territories , The European Union set up trust fund for syrian crisis and promised to provide mobilized funds in exchange of diverting syrian refugees’ from entering the European union territories . Part two further entails the goals of european Union to assist Turkey in joint return operations and

⁷² Total Support Through and others, ‘The Eu Facility For’ 2017

⁷³ Kalle A Piirainen, ‘Joint Action Plan’ 64.

increase the security at the Turkish coast guard⁷⁴ .

The European Union has set up two programs which coordinate the syrian refugees' in Turkish territories . Facilities for refugee in Turkey and Promoting integration of syrian children into Turkish education system⁷⁵ are two broad goals focused on granting access to good infrastructure, adequate health facilities , educational facilities services and integrating the syrian children into public schools of Turkey in order to promote social inclusion respectively

(B) Temporary Protection granted to Syrian Refugees'

The government of Turkey grants 'temporary protection visa' to the asylum seekers' from Syria and the stateless Palestinians' from Syria⁷⁶. The temporary protection visa is granted to the foreigner's who were forced to move out of their home countries in order to avoid persecution on basis of religion,sex . The government of Turkey offers temporary protection to the syrian refugees' however they are exempted from applying for international protection under the foreigner's act for international protection. However there are certain conditions in which the refugees' of syrian origin can opt for filing an application for international protection . The authority responsible for refugees' is the Directorate general for migration management (DGMM) and they would legitimize the application of syrian refugees' for international protection if the syrian refugees' entered the territories of Turkey prior to 2011 and at that point had already applied for asylum in Turkey⁷⁷ . Second situation, where the syrian refugee has potential to apply for international protection in Turkey is if he/she arrives at in Turkey via a third world country , if they do not present valid passports along with other official documents at the entry point, they can claim for international protection and the DGMM would consider their application after individual analysis⁷⁸ .

The temporary Protection regulation protects the refugees' from being penalised for entering the territories of Turkey and furthermore, promotes the goal of non-refoulement . There are different steps in order to claim the temporary protection offered by Turkish government .

- **Arrival at Border**

The arrival gates , borders and sea routes should be pre-notified by the ministry to the institutions nearby and on arrival of foreigners' without the passport or valid documents should

⁷⁴ Kalle A Piirainen, 'Joint Action Plan' 64.

⁷⁵ FI Khasanova, 'The Role of the EU-Turkey Joint Action Plan in Syrian Refugees' Educational Integration into Turkish Society: A Qualitative Case-Study of Policy Implementation' <http://rave.ohiolink.edu/etdc/view?acc_num=bgsu1586968891475959>.

⁷⁶ GR Brock, 'Country Report' 275.

⁷⁷ *ibid.*

⁷⁸ *ibid.*

be allowed on pretext of registration for temporary protection⁷⁹. Mandatory security checks would be done at the entry points and after that the foreigner along with his/her family members would be transferred to the referral centre⁸⁰. While transferring the refugees' to the referral centre it is vital that the family members are not separated and remain in the same referral centre throughout the registration process. On arrival at the referral centres the refugees' would be under the supervision of the directorate general who would determine their identity and initiate the registration procedures for temporary protection in Turkey. Refugees' who are set on undergoing a health check up are provided with one.

- **Registration and Temporary Protection Identification document**

The responsibility of registration lies upon the Directorate- general⁸¹, during the registration process priority is given to confidentiality, it should not be compromised. The refugees' who are unable to present any valid documents which would confirm their identity would still be included in the registration process. Photographs, fingerprints or other biometric data are essential components of registration.

After the formalities of registration are attended to, the refugees' are granted temporary protection identification documents. Each temporary protection document shall have the foreigner identification number⁸².

- **Benefits of Temporary Protection**

When the refugee obtains the temporary protection, then they are entitled to certain benefits like health care facilities, access to education, right to work in the labour market and social assistance.

The health care facilities are accessible both inside and outside the accommodation centre⁸³. The emergency and primary healthcare services shall be free of cost. The refugees' are not allowed to approach the private hospitals for treatment unless there is an emergency. The healthcare facilities are monitored by the Presidency of Social Security Institution for beneficiaries of general health insurance⁸⁴.

⁷⁹National Legislative Bodies / National Authorities, *Turkey: Temporary Protection Regulation*, 22 October 2014, available at: < <https://www.refworld.org/docid/56572fd74.html> > ,

⁸⁰ *ibid.*

⁸¹ *ibid.*

⁸² 'No 主観的健康感を中心とした在宅高齢者における健康関連指標に関する共分散構造分析Title' (n 8).

⁸³ *ibid.*

⁸⁴ National Legislative Bodies / National Authorities, *Turkey: Temporary Protection Regulation*, 22 October 2014, available at: < <https://www.refworld.org/docid/56572fd74.html> >

Temporary Protection grants the freedom to children to pursue education in Turkey. This can be termed as an initiative which is taken by the Turkish government to socially include the Syrian refugees' in the Turkish society. Topmost priority is given to education of the refugee children who fall in the age bracket of 33-36 months and 54-56 months old⁸⁵. Furthermore, the Ministry of National Education bears the responsibility of ensuring educational facilities for primary and secondary education. If there is a demand for learning or particular skill or improving their command over the language then it shall be arranged by the authorities. Lastly for higher education programmes like undergraduate, masters the Presidency of Council of Higher Education is responsible.

Access to the labour market would enable the refugees' to work in sectors, professions and geographical areas which are demarcated by the Council of Ministers. With the grant of Temporary Protection and access to working conditions in the labour market, the refugee would be able to work efficiently without the threat of facing discrimination or violation in terms of working hours and hourly wages.

- **Refugee Determination process**

Prior to 2013 the Republic of Turkey was not open to refugees' from other countries, except refugees' which were affected by the events occurring in European countries. The Republic of Turkey provides safe haven to millions of refugees' but prior to achieving this status, it has been a transit country particularly for persons of specific countries like Afghanistan, Pakistan, Iran, Iraq and numerous African countries. With numerous illegal migrants transiting through Turkey posed security concerns to European Union, hence to facilitate the influx of asylum seekers' in Turkey, the government introduced the Foreigner's Act For International Protection, which despite the geographical limits confers refugee status to persons from all parts.

- **Types of International Protection**

According to the Foreigner's Act for International Protection, there are three aspects of International Protection, the status of refugee is granted to a person, who faces a fear of persecution due to their race, religion, nationality, however the status of refugee is only granted to the persons who are affected due to the events occurring in European countries. For the persons who face threat of persecution on the above listed basis, and who are belonging from other countries, barring Europe are conferred with status of conditional refugees'. Lastly comes the provision of Subsidiary Protection, which deals with a foreigner or a stateless person who is sentenced to death or is subjected to inhumane conditions and discrimination in the habitual

⁸⁵ Ibid.

residence⁸⁶.

- **Border/Application Procedure**

When it comes to lodging an application for international protection, the applicant is required to approach the governorates . When an application is filed at the border or within the country the handling of the application has to be transferred to the governorates . The procedure for gaining international protection is open to foreigners' and stateless persons as well, they can fill out the application on their behalf along with the family members who are dependent on them ⁸⁷. If the applicant faces any unwanted restrictions after filing an application for international protection, they are required to report it to the governorates .

After filing an application, he/she is required to submit documents which confirm their identity if they are unable to produce the documents then they are investigated . The applicant is supposed to provide explanations which led them to flee their home country , the route via which they entered Turkey and they should inform the authorities if they have applied for international protection elsewhere.

To indicate the status of the applicant the authorities issue a document which is valid for 30 days entailing the applicant's form status and confirming their identities .

The registration process would be accelerated when the applicant has misled or concealed facts from the authorities which while registering for international protection, applicant has only applied in order to delay the decision of their removal from Turkey or when the applicant poses a security threat to the public, in these cases the application would be accelerated and a decision would be given within the span of 15 days. The applicants are provided with legal assistance if they are unable to fund for themselves,

- **Application of detention**

Detention is the last resort and no applicant shall be subjected to detention solely on basis of applying for international protection . There are certain conditions enlisted in the act which justify the act of detention , for instance an applicant is detained when there are identity verification problems, when the applicant does not comply with border authorities and displays hostile behaviour. Before sentencing an applicant to detention, it shall be run through the governorate and alternative measures must be accessed, The detention should not be extended more than 30 days and the reasons and duration to be spent in detention shall be notified in

⁸⁶ [1] Part One and Section One, 'On Foreigners And' (2013) 70 1.

⁸⁷ *ibid.*

writing to the applicant or to his/her legal representative if applicable⁸⁸. The detainee shall not be deprived of visitors and should be allowed to communicate with their legal representatives and UNHCR.

- **Interview and Decision**

After filing the registration form, the applicant is scheduled for an interview, which would allow him/her to express their situation more precisely, the family members can also be included in the interview if needed or requested. The government of Turkey ensures a safe and empathic interview environment, for the applicants who suffer from psychological trauma, severe illness or are mentally unstable should be interviewed in presence of a psychologist, social worker, family or lawyer⁸⁹. International protection applicant identity document is issued to the applicants who pass the interview, the identity card would be valid for 6 months.

When it comes to approving the applicant for international protection, factors like country of origin, personal circumstances should be taken into consideration. The average time taken to approve the application is 6 months. However if the former place of residence of the applicant is found to be safe and sound for the applicant, they may be transferred back there.

- **Official Identity documents**

The Directorate General confers official documents to the applicants who are granted refugee status in Turkey. An applicant who is concluded as a refugee, is granted with an identity document with a validity of three years. Turkey divides its asylum seekers as refugees' from European states and refugees' from other nations, the refugees' from other nations are granted conditional refugee status or subsidiary refugee status hence an applicant who is granted a conditional or subsidiary status identity card is valid for one year.

- **Strain of COVID-19 on Refugees' in Turkey**

The first case of COVID-19 in Turkey was reported in the month of April and soon after Turkey became one of the worst hit nations. The strain of COVID-19 was severely felt by the undocumented refugees'. Amid coronavirus the Turkish government shutdown entry of any new migrants. Furthermore, the Turkish government handled the country and was put under partial lockdown. The strain of coronavirus was particularly felt by the refugees' in terms of their occupations in labour markets, access to healthcare, education of children.

⁸⁸ [1] Part One and Section One, 'On Foreigners And' (2013) 70 1.

⁸⁹ *ibid*

1. The COVID-19 strain was particularly felt by the undocumented syrian refugees'. The registered refugees' contribute to the Turkey's economy however the undocumented refugees' have no access to the labour markets or the health care and hence they are forced to work in poor conditions and take up scant jobs to maintain their livelihood .
2. The undocumented refugees' face a fear of deporation which would be the consequence of the reporting to any official for medical care , hence undocumented refugees' are deprived of basic screening for covid-19⁹⁰.
3. Education of children is severely affected by Covid-19, the educational institutions were shut down and online classes came into play, however the syrian refugees' live in poor conditions and as an outcome, children in large numbers were unable to connect to their online classes ⁹¹.
4. With the partial lockdown in action and refugees' out of jobs, they were forced to stay at home and there was a spike in domestic violence cases⁹² .
5. No social distancing and no concept of isolation rooms in the repatriation centres. There were also reports stating that no system of cleaning was conducted . Moreover the sanitary services which were provided to the undocumented refugees' were not free of cost

The language barrier between the health workers and the refugees' causes communication gaps which further leads to underreporting of cases and issuance of inefficient courses of treatment.

⁹⁰ Şevkat Bahar Özvarış and others, 'COVID-19 Barriers and Response Strategies for Refugees and Undocumented Migrants in Turkey' (2020) 1–2 *Journal of Migration and Health* 100012.

⁹¹ Kemal Kirişçi and M Murat Erdoğan, 'Turkey and COVID-19: Don't Forget Refugees' [2020] *Brookings* 1 <<https://www.brookings.edu/blog/order-from-chaos/2020/04/20/turkey-and-covid-19-dont-forget-refugees/>>.

⁹² Bahar Özvarış and others (n 37).