

www.hevilgbti.org



# Frequently Asked Questions in the Legal Field for LGBTI+ Refugees



# FREQUENTLY ASKED QUESTIONS IN THE LEGAL FIELD FOR LGBTI+ REFUGEES

Prepared by

Yağumur Birdal

---

Design and Layout

Zafer Rifat Irmak



This booklet has been prepared with the support of the European Endowment for Democracy. The content is the sole responsibility of HEVI LGBTI+ Association and does not reflect the views of the European Endowment for Democracy.

EUROPEAN  
ENDOWMENT FOR DEMOCRACY

# 1 WHY ARE SOME CITIES BEING CLOSED TO REGISTRATION? WHAT IS THE DILUTION POLICY?

---

Provinces determined by the Presidency of Migration Management and where applicants are obliged to reside are called satellite cities. These satellite cities vary depending on Turkey's high level of migration and limited urban capacities. Within the framework of the "Combating Spatial Concentration" plan, the ratio of the foreign population to the neighborhood population has been limited in certain neighborhoods in order to protect the demographic structure, and new registrations have been closed in case of excess. For information on the cities and neighborhoods closed to registration, you can access up-to-date information on the website of the Presidency of Migration Management or via Yimer 157 [FCC - Foreigners Communication Center]. You can also get accurate information from the Population Directorate of the district [Tr: İlçe Nüfus Müdürlüğü] where you want to register. In order to take the right steps in these processes, it is important to have access to up-to-date information and to seek legal assistance when necessary.

# 2 I HAVE BEEN TRANSFERRED FROM MY CITY OF REGISTRATION TO ANOTHER CITY - WHAT CAN I DO?

---

In this case, two legal options are possible. First, you should go to the city you were transferred to and choose your residence address. Then, you should inform the Provincial Directorate of Migration Management (PDMM) of the province where you were transferred to the address where you will reside and complete your registration procedures. Afterwards, you should request your transfer back to the city where you were first registered.

Another way is to file a lawsuit regarding the transfer process. With the relevant lawsuit, you can request a suspension of execution and request that you be allowed to stay in your city until the lawsuit is finalized. Even if the lawsuit process lasts longer, the court decision on your request for a suspension of execution, i.e., whether you can stay in your registered city or not, can be issued quickly. However, it is important that you get the support of a lawyer during this process. Otherwise, you may experience problems with your file on the grounds that you do not comply with the deadline specified in your transfer letter.

### **3 MY TEMPORARY PROTECTION / INTERNATIONAL PROTECTION APPLICATION HAS BEEN ACCEPTED. CAN I CHANGE MY REGISTERED CITY/PROVINCE?**

---

You can request to move to another province in Turkey to reunite with a family member residing in another province, to benefit from health and education services, or to work. You must submit this request to the Provincial Directorate of Migration Management in the province where you are registered. The relevant authorities will evaluate your request and give you a positive or negative response. Those who receive a positive response should go to the Provincial Directorate of Migration Management and obtain a travel permit. With this 15-day travel permit, you must go to the Provincial Directorate of Migration Management in the province where you want to move your residence and make a notification. During this notification, you should have your travel permit and documents confirming your new address, such as invoices, rental agreements, etc. with you.

### **4 I AM UNDER TEMPORARY PROTECTION /INTERNATIONAL PROTECTION. HOW CAN I BENEFIT FROM HEALTH SERVICES?**

---

Temporary protection/international protection identity document holders can benefit from services at public hospitals within the borders of their province of residence. A co-payment may be charged for basic and emergency health services as well as treatment and medicines within this category at the amount or rate determined by the Ministry of Health. Those who wish to be treated at university hospitals can be treated with a referral letter [from the doctor].

### **5 MY GENERAL HEALTH INSURANCE WAS TERMINATED AFTER ONE YEAR. CAN I START MY INSURANCE AGAIN?**

---

The general health insurance of international protection applicants and status holders over the age of 18 who have completed one year from the date of registration in Turkey is terminated. Therefore, international protection applicants and status holders over the age of 18 who do not have any health insurance, cannot afford to pay and have special needs can continue their general health insurance coverage without a one-year time limit if they apply to the Provincial Directorates of Migration Management where they are registered with documents showing their special needs.

In clause I of Article 1 of the LFIP (YUKK) (Law on Foreigners and International Protection), special needs are defined as: Among the applicants and international protection status holders; unaccompanied minors, disabled, elderly, pregnant, single mother or father with an accompanying child or a person who has been subjected to torture, sexual assault or other serious psychological, physical or sexual violence. People diagnosed with HIV are considered as persons with special needs. Please contact the relevant NGOs for more information.

### **6 I AM UNDER TEMPORARY PROTECTION/INTERNATIONAL PROTECTION. CAN I WORK?**

---

After 6 months from the date of issuance of the temporary protection/international protection identity document, an application can be made to the Republic of Turkey Ministry of Family and Social Services for a work permit or work permit exemption.

### 7 CAN I REGISTER IN THE SAME CITY AS MY PARTNER?

---

If you arrive in Turkey at the same time as your partner and apply, you are likely to be registered in the same city. However, in the legal framework in Turkey, being in a partnership is not a status. Therefore, if your partner has arrived and registered before you, you cannot register directly in the city where your partner is located for reasons such as family reunification. Satellite cities that accept applications may have changed during the period you entered the country. Therefore, it would be useful to find out which satellite cities are accepting applications before you enter the country. If your partner's city of residence still accepts applications, you can register in the same city.

### 8 WHAT IS ADDRESS ENQUIRY?

---

Address enquiry is a process initiated by the Ministry of Interior Presidency of Migration Management to verify the accuracy of the addresses of refugees living in Turkey with temporary protection status. Refugees who have changed their address and have not notified their new address to the Provincial Directorate of Migration Management are required to update their address information within 90 days at the latest. This process started in the first week of January 2022 in cooperation with the police and gendarmerie, and registered addresses are visited to check whether refugees are living there. Those who do not update their addresses may face various administrative sanctions. This process is carried out to ensure that persons under temporary protection fulfill their obligation to reside in the designated provinces in Turkey and their obligation to report changes in identity information such as address.

### **9 I AM A REFUGEE. I WANT TO START GENDER AFFIRMATION PROCESS. DO I HAVE THIS RIGHT IN TURKEY?**

---

Every refugee living in Turkey has the right to start gender affirmation process just like every citizen living in the Republic of Turkey. In order to start the gender affirmation process, first of all, you need to have legal residence in Turkey, be under Temporary Protection or International Protection. In the absence of neither of these, you can also initiate the process with a passport and an official document indicating that you are staying in Turkey legally. In addition, you must be over the age of 18 and not be married.

In order to officially start the gender affirmation process, you need to file an "Authorization of Gender Transformation" lawsuit. After filing the relevant lawsuit, you will be referred by the court to a hospital with a gender identity council. After you go to the hospital, you will start the psychiatric observation period. The psychiatric observation period can normally last between 6 months and 2 years. After this, you will be sent to Endocrinology for hormone therapy. After the end of the observation and evaluation process, you will be given a medical report. You will need to submit this report to the court, and the court will need to decide on your gender affirmation.

### **10 CAN I CHANGE MY NAME WITHOUT UNDERGOING MEDICAL PROCEDURES RELATED TO GENDER AFFIRMATION?**

---

It is not obligatory to undergo procedures related to gender affirmation in order to file a name change lawsuit. With its decision dated January 27, 2021, and application number 2018/3434, the Constitutional Court closed the way for different implementations and considered the requirement of an operation as a violation of the right to respect for private life. For this reason, you can file a name change lawsuit without performing any operation or initiating the legal procedure regarding the gender affirmation process.

# 11 WHAT CAN I DO IF I HAVE BEEN PLACED UNDER ADMINISTRATIVE DETENTION?

---

If you have been placed under administrative detention and are at risk of deportation, you are in this process under certain conditions. These conditions include if you are a risk of flight, if you have violated the rules of entry-exit to Turkey, if you have used forged documents, if you have not left Turkey within the specified period, or if you pose a threat to public order/safety/health. The duration of administrative detention cannot exceed six months but may be extended for a further six months for specific reasons. During this period, the continuation of administrative detention is evaluated by the governorate every month, and you will be informed of the results. You have the right to appeal the administrative detention decision, but this appeal process does not stop your detention, and the decision of the criminal judge of peace is final. However, you can apply to the criminal judge of peace again during the period of administrative detention and request that the administrative detention order be lifted. While under administrative detention, you are entitled to fundamental rights protected by the Constitution and International Conventions. These rights include the right to be informed, access to a lawyer and a doctor, the right to inform family or other persons, the right to receive visitors, the right to apply to a court and, if necessary, the right to compensation. To exercise these rights and manage your process, it is important to understand your situation well and seek legal support where necessary. For more information and support, you can contact the relevant authorities or legal aid organizations.



# 12 WHAT IS LEGAL AID AND WHERE CAN I APPLY FOR IT?

---

Legal aid refers to the free provision of legal aid by bar associations for people who are unable to pay legal fees and other court costs. As an asylum seeker or refugee, you have the right to apply to your provincial bar association and request legal aid for legal problems you may face. If you are found eligible after an individual assessment by the bar association, you can receive legal aid. You can benefit from legal aid offered by the Legal Aid Offices of bar associations in Turkey.

Legal aid is available for cases initiated against administrative decisions such as deactivation of health insurance, deportation, administrative detention, denial of international protection applications, withdrawal of application or inadmissibility decisions, and other cases under civil law (such as divorce and custody), tenancy law, commercial law and labor law. Legal aid is available for lawsuits against administrative decisions (including the rejection of an international protection application, withdrawal of an international protection application, deportation decision and administrative detention decision) and other lawsuits (such as divorce and rent lawsuits).

Contact information for all bar associations can be found on the website of the Union of Turkish Bar Associations (TBB).

Legal aid can also be requested from the courts. If a person makes a clear request for legal aid in an appeal petition, the relevant court will consider the request and decide on the appointment of a lawyer within the framework of the legal aid system. In criminal cases, the court may in some cases appoint a lawyer directly and free of charge.

HEVI LGBTI+ Association also provides legal counseling to refugees and can inform you about the legal aid procedures offered by the bar association in your province of residence.

# 13 WHAT CAN I DO IF I HAVE BEEN SUBJECTED TO VIOLENCE? WHO CAN I CONTACT?

---

If you have been subjected to violence, the first step is to contact the police or gendarmerie or directly to the prosecutor's office, both of which are obliged to come to your aid. If you have been physically assaulted, you can seek help from hospital emergency services and contact your doctor to get a battery report. It is important to document any marks on the body to prove the violence. In cases of sexual assault, reports are vital to prove the incident, so, if possible, personal hygiene should be avoided after the incident and clothing should be preserved. In addition, preventive treatments can be taken against the risk of infection. The police or gendarmerie should also ask witnesses for their testimony. If there is a language barrier during the statement, you can request an interpreter. Make sure that your statement is recorded accurately and completely and get a copy. If your safety is in danger, you can request protection from the relevant authorities. According to the Turkish Penal Code, since the crime of sexual assault is a crime that requires a lower limit of imprisonment of more than 5 years, a lawyer must be appointed from the relevant bar association at each stage of the police station, prosecutor's office and court. You can get help from NGOs such as HEVİ LGBTI+ Association for legal and psychosocial support. In this process, it is important to benefit from relevant support and counseling services to know your rights and take the necessary steps.

It is also useful to remember the important numbers you can reach 24/7.

- **ALO 183** Family, Women, Children and Persons with Disabilities Social Counseling Line is available in Turkish, Kurdish and Arabic.
- **ALO 155** Police Help or
- **ALO 156** Gendarmerie Help can be called to report and request support.
- **ALO 112** Emergency Call Center can be used to reach emergency medical assistance, police, gendarmerie, coast guard and fire department in Turkish, English, Arabic, German and Russian.
- **ALO 157** YIMER/ Foreigners Communication Center can be accessed in Turkish, English, Arabic, Farsi, Russian, German and Pashto.
- When **KADES**, the mobile app for Support Against Violence Against Women, which is available in Turkish, is installed on the phone, it is possible to reach 155 with a single button.
- Support can also be obtained from the Domestic Violence Hotline at **+90 212 656 96 96**.

# FREQUENTLY ASKED QUESTIONS IN THE LEGAL FIELD FOR LGBTI+ REFUGEES



hevilgbtidernek



hevilgbti



hevilgbt



hevilgbti.org



info@hevilgbti.org

hukuk@hevilgbti.org



This booklet has been prepared with the support of the European Endowment for Democracy. The content is the sole responsibility of HEVI LGBTI+ Association and does not reflect the views of the European Endowment for Democracy.

EUROPEAN  
ENDOWMENT FOR DEMOCRACY