

ARMENIA-TURKEY EXPERT DIALOGUE GROUP POLICY BRIEF

ARMENIAN-CITIZEN MIGRANTS IN TURKEY

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By various estimations there are 10,000-40,000¹ migrants from Armenia currently living in Turkey. The great majority of them are labour migrants living in Istanbul. The problems and obstacles faced by Armenian-citizen migrants generally follow the patterns of other irregular migrant groups in Turkey,² however the absence of diplomatic and consular relations and official bodies providing direct consular service and emergency assistance put Armenian-citizen migrants in a more vulnerable position. The lack of reliable data about the demographic makeup, needs and problems of Armenian-citizen migrants in Turkey makes it difficult to propose concrete support mechanisms to address the issues they face. In an effort to alleviate this situation, the Armenia-Turkey Expert Dialogue Group³ has commissioned a needs assessment study amongst Armenian-citizen migrants and their children living in Istanbul to better understand their situation and needs. The research was conducted jointly by Istanbul Bilgi University Centre for Migration Research and the Hrant Dink Foundation between November 2017 and April 2018. The research has surveyed 153 migrant households living in Istanbul as well as 160 migrant children attending educational institutions. The findings of the research are compiled in “Makeshift lives: The state of Armenian-citizen migrants and their children living in Istanbul” published in September 2018.⁴

Numbers and legal status

Statistical data about the number of citizens of Armenia residing in Turkey is not openly available, as is the case for many other migrant communities in Turkey. There are however various estimations about the possible number of Armenian migrants. Different sources, including officials and researchers have at various times estimated this number to be as low as 5,000-10,000 and as high as 70,000, with many claiming that the actual number is somewhere in between, around 15,000-20,000. Most of these migrants do not hold permission to reside or work in Turkey, and are thus considered irregular migrants. Despite the slightly increased number of migrants obtaining legal permits, only 150 citizens of Armenia applied for a work permit in 2017 - a tiny fraction of the estimated total number of migrants.⁵ Until 2011 very few Armenian citizens had applied for work permits, however from 2012 to 2013 work permit applications more than doubled and the number of work permit applications rose from 84 to 188. In the following years this number is more or less consistent: 180 applications in 2014, 197 in 2015, 174 in 2016 and 150 in 2017. Around 86.5% of applications came from women and around 44% of applicants were 50+ years old. A significant majority - around 70% of employers of Armenian-citizen migrants were individual households employing domestic helpers. Respondents who have taken part in the research reported working as cleaners, carers, sales personnel, teachers, and couriers.⁶ In addition to those holding a work permit, a small fraction of the migrants holds short-term or touristic residence permits, which however do not provide work authorization. One-third of the respondents surveyed in the research held a short-term residence permit and only 8% had a work permit.

Even though respondents expressed their willingness to obtain legal residence in Turkey, the main obstacle before doing so is the visa-overstay fines.⁷ Especially for those who have overstayed for a particular long period of time, the accumulated fines can reach very high amounts. The fine amounts are calculated as of the date of visa expiry. The visa-overstay fines apply to adult migrants who entered Turkey with tourist visa and overstayed upon its expiry, as well as children born in Turkey to parents without a residence permit.

Issues arising from lack of diplomatic relations and consular services

Due to the absence of embassies and consulates in Turkey, citizens of Armenia do not have direct access to basic consular services, for example, **many Armenian migrants are unable to renew their passports, obtain certificates of birth, death, marriage and divorce.** 51% of respondents surveyed in the research stated that they had to travel to Armenia to renew or extend their passport.⁸ On the other hand, those with **expired passports** would first need to

obtain a **return certificate** in order to leave Turkey and enter Armenia. According to the legislation, every citizen of Armenia has the right to obtain a return certificate to the Republic of Armenia - including their children, even if they have not been granted a passport before. If the certificate seeker is in a country where it is not possible to apply to the diplomatic missions and consular offices of Armenia, the certificate can be obtained from the Ministry of Foreign Affairs of Republic of Armenia through a family member or an authorized representative which can be a difficult and time-consuming procedure, especially in cases of emergency.

The biggest issue arising from lack of consular services is the obtaining of identity documents for **children born to Armenian-citizen migrants** in Turkey. Among the 26 respondents who gave birth in Turkey, 13 were not able to obtain any kind of state issued identity documents for their babies. In other words, 1 in 2 children born in Turkey in the surveyed households **did not have a state issued identity document**. Children born to Armenian-citizen parents are considered citizens of Armenia automatically regardless of their birthplace. In order for the **child to obtain a passport of the Republic of Armenia**, the parents need to first take the protocol document proving birth issued by the hospital to the Population Directorate and register the birth in Turkey, then make an application in Armenia, either through an authorized representative or in person, so that they can take this birth registration notice to the Ministry of Foreign Affairs of the Republic of Armenia. If they prefer to do the procedure in person, they will first need to obtain a return certificate from Armenia for the child and then pay the visa-overstay fine to be able to leave Turkey.

Furthermore, in **cases of emergency**, there is no official body that provides direct assistance to Armenian citizens in Turkey. During the research, there have been cases reported about the migrants who have issues about **registering the death** of their family members and **transferring funerals from Turkey to Armenia**. There has also been a case, where an undocumented Armenian-citizen woman suffering from memory loss was taken to a public hospital in Istanbul. As she did not have any ID documents, the doctors could identify her by taking her fingerprint, yet they could not identify any Turkish or Armenian authority whom they can contact to seek help.

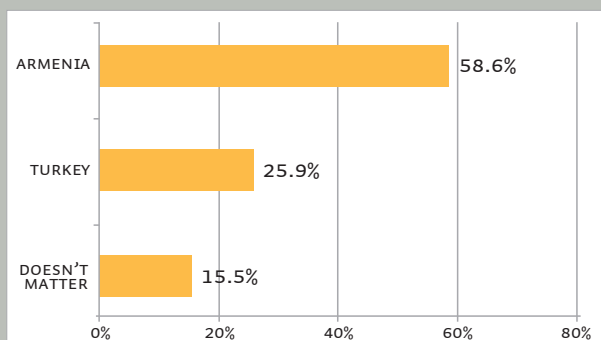
Education

Children of irregular migrants cannot enroll in schools in Turkey since enrolling in educational institutions requires temporary ID number issued by Turkish authorities to migrants who have residence or work authorization. Even though there are 16 Armenian minority schools in Istanbul, they are not allowed to register the Armenian-citizen children as regular students. Therefore even the Armenian-citizen migrants with legal residence in Turkey cannot enroll their children in Armenian schools in Istanbul. Since 2012, thanks to the amendments made to the Turkish Regulation on Private Educational Institutions⁹, children of Armenian migrants, both regular and irregular, are able to attend the 16 Armenian schools in Istanbul as **“guest students”**, yet they **do not receive diplomas** or any other official documents. Currently, there are over 100 Armenian-citizen migrant children attending these schools as guest students. Additionally, there are around 150 children who are informally following classes organised at the Gedikpaşa Armenian Protestant Church since 2003 in an effort to prevent migrant children from being deprived of education. The curriculum offered is based on the standard secondary education curriculum of the Republic of Armenia. These children do not receive official certificates or diplomas either. In both cases, children are left with the option of taking exams in Armenia and attending a high school there, given they are able to afford the visa-overstay

finances and travel to Armenia. If they leave Turkey without paying the visa-overstay fines, they will be banned from re-entering the country for a certain period of time.¹⁰ As a result of this situation, **Armenian migrants are not able to take part in the high school and university entrance exams education and enroll in universities in Turkey.**

According to the survey, even though the majority of the children (59%) prefer to continue their education in Armenia, there is still a significant number of those (26%) who prefer to stay in Turkey, continue their education in Turkey, and attend Turkish universities. Therefore, these students need to have **valid diplomas and certificates, recognised by Armenia and Turkey**, which will allow them to continue their education in both countries in the future.

Where will they continue their education? (%)



Health-care

Many of the surveyed Armenian-citizen migrants, including those with chronic and life-threatening health conditions, cannot obtain medical services or necessary medication. Among those surveyed, **one-third stated that they do not apply to any health-care institution when ill**. Armenian-citizen migrants have reported facing obstacles

mainly arising from not having valid identity documents and/or residence permits as well as not being able to afford medical services.

Migrants with expired passports or residence permits are hesitant to apply to hospitals, both state and private, fearing that the immigration authorities may be notified. Additionally, **children born in Turkey who have not yet obtained identity documents are also often denied hospital admission.** The affordability of health-care services for migrants and their children is another issue. Without any health insurance, irregular migrants are left to pay for all services themselves. Out of those surveyed who apply to health-care institutions, a great majority of them (73%) cover health-care expenditures out of their own pockets.

Yedikule Surp Pırgıç Armenian Hospital has been providing free of charge medical care for migrant children attending educational institutions; however in cases of emergency, especially on weekends and holiday time, they are not able to directly go to the hospital and receive medical care, without first receiving a letter from their school certifying that they are students attending these schools. Younger children and babies in need of vaccination as well as those who are not attending school are left out. This service is not available for adult migrants.

Recommendations

In an effort to alleviate these problems that affect the lives of people, the Armenia-Turkey Expert Dialogue Group members have proposed the following recommendations/measures that can be taken by Armenia and Turkey. These steps can be taken within the existing legal and institutional frameworks. Implementation of these measures will also enable compliance with international conventions that are available in this context.

Consular Services

To the Governments of Armenia and Turkey:

- Armenia and Turkey may agree on a format that will allow them to provide consular services and emergency assistance to their citizens, regardless of the status of diplomatic relations between the two countries.

Possibilities to explore may include in a preferred order:

- Establishment of consular relations/consular offices for providing direct consular services. The possibility of establishing a representative body that carries out consular functions in the neighbouring country and provides emergency assistance is enabled both by international legal instruments and also existing consular practice.¹¹
- Establishment of interest sections within the diplomatic missions of a third country for providing consular service and emergency assistance to citizens. In some cases, states without diplomatic relations maintain interest sections within the diplomatic missions of a third country.¹²
- Establishment of a hotline between the Ministries of Foreign Affairs of Armenia and Turkey in order to rapidly address the needs of citizens of both countries in cases of emergency.

Facilitation of Regularisation and Legal Stay in Turkey

To the Government of Turkey:

- Turkey may consider waiving of the visa-overstay fines for Armenian-citizen children born in Turkey who never left the country and who intend to return to Armenia to obtain/renew passports and documents.

Education

To the Governments of Armenia and Turkey:

- Turkey may consider making further legal arrangements to allow guest students to have official registration in Armenian minority schools in Istanbul and to grant diplomas for Armenian-citizen students; by introducing amendments to the *Özel Öğretim Kurumları Yönetmeliği* of 2012, Article 51/5.¹³
- Armenia may facilitate the transition of Armenian citizens attending schools in Turkey to continue their education in schools and universities in Armenia.
- Turkey may facilitate the establishment of formal educational programmes that will allow Armenian migrant children residing in Turkey temporarily to receive education based on their home-country curriculum. To this end, Armenia and Turkey may explore opportunities and possible models for Gedikpaşa Hrant Dink School to gain legal status in Turkey. According to the Turkish legislation, the existing 'international school' model mentioned in the *Özel Öğretim Kurumları Kanunu* No. 5580 of 2007, Article 3,¹⁴ may be the most viable format. International schools in Turkey are established by Cabinet Decree/Presidential Decree, they only admit non-citizen foreigner students, and they implement their own curriculum in their own language, subject to the approval of Turkish Ministry of National Education.

Support mechanisms

If the governments wish so, they may consider initiating or engaging various institutions and support mechanisms in order to address the issues.

To the civil society actors in Armenia and Turkey:

- Establishing/supporting mechanisms/networks of lawyers, civil society organisations and authorities that will provide information, legal aid and services to Armenian-citizen migrants about their rights and responsibilities; with the engagement of bar associations and ombudsman offices of both countries
- Encouraging the Armenian community of Istanbul to provide support and service to the Armenian-citizen migrants living in Istanbul to address their education and health-care needs. For instance, Armenian hospitals in Istanbul may establish mechanisms of providing health-care services to Armenian-citizen migrants who do not have valid documents and who cannot afford it.

- 1 *Makeshift lives: The state of Armenian-citizen migrants and their children living in Istanbul*, Emre Erdoğan & Pinar Uyan Semerci, September 2018, Hrant Dink Foundation Publications, p. 28
- 2 Particularly, migrants from other post-Soviet countries, such as Georgia. Address Based Population Registration System, Turkish Statistical Institute
- 3 <http://hrantdink.org/en/activities/projects/turkey-armenia-relations-programme/dialogue-groups/411-armenia-turkey-expert-dialogue-group>
- 4 *Makeshift lives: The state of Armenian-citizen migrants and their children living in Istanbul*, Emre Erdoğan & Pinar Uyan Semerci, September 2018, Hrant Dink Foundation Publications
- 5 Republic of Turkey, Ministry of Labour and Social Security, Statistical Management Information System
- 6 *Makeshift lives: The state of Armenian-citizen migrants and their children living in Istanbul*, Emre Erdoğan & Pinar Uyan Semerci, September 2018, Hrant Dink Foundation Publications, p. 60
- 7 Law 6458 on Foreigners and International Protection and its regulations only introduces the concept of the visa-overstay fine without mentioning any rate or method of calculation. In practice, it is calculated right on the spot at the airport or land border while exiting the country. Since the method of calculating the visa-overstay fine is not clearly known, the penalty one accumulates over the years for overstaying one's visa can only be guessed. The respondents taking part in the survey estimated the accumulated fines ranging from 500 TL to 16,000 TL.
- 8 *Makeshift lives: The state of Armenian-citizen migrants and their children living in Istanbul*, Emre Erdoğan & Pinar Uyan Semerci, September 2018, Hrant Dink Foundation Publications, p. 46
- 9 Republic of Turkey, Ministry of National Education, Regulation on Private Educational Institutions, Article 51/5, published in Official Gazette No. 28239 on 20.03.2012
- 10 Republic of Turkey, Ministry of Interior, Law 6458 on Foreigners and International Protection, published in 2014, Article 9/3: The entry ban to Turkey shall not exceed five years.
- 11 Article 2 of Vienna Convention on Consular Relations states that the severance of diplomatic relations does not necessarily implicate the severance of consular relations. For further details, please refer to the policy brief 'Consular Relations between Armenia and Turkey' by the Armenia-Turkey Expert Dialogue Group.
- 12 For further details and examples, please refer to the policy brief 'Consular Relations between Armenia and Turkey' by the Armenia-Turkey Expert Dialogue Group.
- 13 Article 51/5 of the Regulation on Private Educational Institutions: Taking into account the quota of the schools, foreign students can also receive education in these schools as guest students; however these students are not granted diploma. Those who are leaving school, the school administration issues a document specifying the courses taken and corresponding grades.
- 14 Republic of Turkey, Ministry of National Education, Law 5580 on Private Educational Institutions, published in 2007, Article 3

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