

**REPORT:
COMPARATIVE ANALYSIS OF
DIFFERENT COUNTRIES'
APPROACHES TOWARDS TURKISH
ASYLUM SEEKERS LINKED TO THE
GULEN MOVEMENT**

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Summary

Turkish government has been targeting dissidents from various ideologies recently. One of these opposition groups, the Gulen Movement, has been the main target since 2013. The supporters of the Movement have been dealing with different strict measures perpetrated directly by the state authorities such as arrest, imprisonment, torture, inhuman and degrading treatment, denial of fair trial, confiscation, passport cancellations and labeling. The actions of the government produced a new group of people who seek asylum in many countries around the world. These asylum seekers have been receiving affirmative responses in many countries, four of which will be explored in this study. This paper will examine the perceptions of four countries, namely the Kingdom of Norway, Canada, the United Kingdom and the United States, towards asylum applications coming from Turkish applicants with links (or alleged links) to the Gulen Movement.

The aim of this policy is to shed light on the current situation of Turkish asylum seekers who have fled from human rights violations and different types of persecution perpetrated by the Turkish government. In addition, this analysis aims to provide more information and guidance for decision makers to understand why the Gulen Movement's supporters are applying for asylum and seek protection.

Introduction

Before going into details about refugee status and states' approaches towards the Gulen Movement's supporters, it is important to look at the level of human rights recognition and protection within these states. There are many reports regarding human rights and fundamental freedoms around the world, but this paper will briefly mention the data from the latest Freedom in the World 2017 report¹ prepared by the Freedom House² as it is one of the most reliable and recent ones.

Freedom House prepares the Freedom in the World report each year which awards countries aggregate scores from 0 to 100 (0 is the least free whereas 100 freest), and also ratings for political rights and civil liberties from 1 to 7 (7 is the least free whereas 1 freest). All the countries mentioned in this study got good scores in these categories. Accordingly, all countries awarded 1, indicating the best results, both for political rights and civil liberties putting them into the category of 'free' countries. Norway's aggregate score – together with Finland and Sweden – is 100. Close to Norway, Canada has got 99 aggregate score ranked right after Finland, Norway and Sweden, and the UK's score is 95. Lastly, even though a bit lower than the others, the US has got 89 in aggregate score which is a very good score compared to the world.

Regarding the situation of refugees, it must be recalled that three of these states, Norway, Canada and the UK, are parties to the *Convention relating to the Status of Refugees*³ (known as the "1951 Refugee Convention"). Norway and Canada incorporated the Convention directly into their national legislation, whereas the UK only refers to it in relevant acts. The US is only party to the *Protocol Relating to the Status of Refugees*,⁴ even so, it means the country undertook most of the obligations in the Convention itself.

Below, each country's approach towards the Gulen Movement will be examined individually, and then an overall evaluation will be made in the light of information provided.

1. Kingdom of Norway

As is known, Norway is one of the best countries around the world in terms of human rights recognition and implementation. The Kingdom of Norway is known to be one of the strictest countries in Europe in terms of refugee policies,⁵ and moreover, the country has tightened its asylum rules this year to strengthen its borders.⁶ Yet, the country provides a good level of protection to the refugees who are within its borders. The *Act of 15 May 2008 on the Entry of*

¹ Freedom House, *Freedom in the World 2017*, 15 April 2017, available at:

<http://www.refworld.org/docid/58ff3e19f.html> [accessed 29 November 2017]

² Freedom House is a US based independent watchdog organization dedicated to the expansion of freedom and democracy around the world.

³ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <http://www.refworld.org/docid/3be01b964.html> [accessed 29 November 2017]

⁴ UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, available at: <http://www.refworld.org/docid/3ae6b3ae4.html> [accessed 29 November 2017]

⁵ Amnesty International, *Amnesty International Report 2016/17 - Norway*, 22 February 2017, available at: <http://www.refworld.org/docid/58b033c84.html> [accessed 29 November 2017]

⁶ "Tightening of Norway's asylum rules." *Government.no*, 11 Jan. 2017, www.regjeringen.no/en/topics/immigration/asylum-regulations-in-norway/insight/tightening-of-norways-asylum-rules/id2465829/.

Foreign Nationals into the Kingdom of Norway and Their Stay in the Realm (known as the “Immigration Act”) regulates the conditions for asylum seekers to be recognized as refugees in its Section 28.⁷ Quite similar to the 1951 Refugee Convention, Section 28 defines the foreign national who “has a well-founded fear of being persecuted for reasons of ethnicity, origin, skin colour, religion, nationality, membership of a particular social group or for reasons of political opinion, and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of his or her country of origin” as a refugee. The provision which includes families of the refugees to the scope, however, is not unconditional that the Immigration Act §28 excludes foreigners who can obtain effective protection in other parts of their home countries. Section 29 clarifies the circumstances in which acts can be accepted as persecution under the Immigration Act. Accordingly, severe violations of basic human rights especially those violate non-derogable rights in the European Convention on Human Rights (hereinafter “ECHR”) are considered as persecution.⁸ Forms of persecution stated in the Norwegian Act vary from mental and/or physical violence to any type of disproportionate and/or discriminatory measures. Lastly, Section 30 elaborates the concepts of religion, nationality, membership of a particular social group and political opinion as persecution grounds.

Following the worrying series of events since 2013 in Turkey, especially after the so-called attempted coup, Turkish people having alleged links with the Gulen Movement have started to apply for asylum in different countries including Norway. The country has examined many cases coming from applicants with alike backgrounds and the number is expected to increase because of the worsening situation in Turkey. For this reason, on October 12, 2017 the Ministry of Justice and Public Security has published instructions aiming to provide guidelines regarding the cases of Movement’s supporters.⁹ The instructions start with a background information that acts of the Turkish government have created a new group of asylum seekers who, if they return to their home country of Turkey, might face risks of “arrest, imprisonment, torture and conviction.”¹⁰ The Ministry also emphasizes that the majority of the applicants are well-educated people having professional relations with the Gulen schools and colleges who could provide both identifying and other documents proving their links with the Movement. Taking into account these, the Norwegian Directorate of Immigration proposed as regards the applicants with strong indications of involvement with the Movement to be entitled protection under the Immigration Act §28. It must also be noted that as the Turkish government controls the whole territory, it is not possible for applicants to be displaced internally. Yet, these instructions do not mean to exclude a concrete and individual assessment to be made in each case considering present situation in Turkey.

⁷ *Norway: Act of 15 May 2008 on the Entry of Foreign Nationals into the Kingdom of Norway and their Stay in the Realm (Immigration Act)* [Norway], 15 May 2008, available at: <http://www.refworld.org/docid/507522792.html> [accessed 29 November 2017]

⁸ Article 15 of the ECHR enables states to derogate from their obligations under the ECHR, however, Article 15 (2) specifies non-derogable rights as follows: “No derogation from Article 2 [right to life], except in respect of deaths resulting from lawful acts of war, or from Articles 3 [prohibition of torture and inhuman or degrading treatment or punishment], 4 (paragraph 1) [prohibition of slavery and servitude] and 7 [no punishment without law] shall be made under this provision.”

⁹ *Norway: GI-15/2017 Instructions on the practising of the Immigration Act, section 28 [Residence permit for foreign nationals in need of protection (asylum)] - Asylum seekers who cite the risk of persecution due to (alleged) links to the Gulen network*, 12 Oct. 2017, available at: <https://www.regjeringen.no/no/dokumenter/gi-152017--instruks-om-praktisering-av-utlendingsloven--28--asylsokere-som-anforer-risiko-for-forfolgelse-pa-grunn-av-tillagt-tilknytning-til-gulen-nettverket/id2575439/?q=gi-15/2017>

¹⁰ *Ibid.*

The instructions by the Ministry are clearly defined which can be summarized as such:

Firstly, the Ministry requires that each case will be subject to concrete and individual assessment based on every applicant's specific profile and possible reactions they may face in case of return. It stresses that having links (or alleged links) with the Movement merely is not sufficient to be protected under the Immigration Act §28.

Secondly, while examining the application, up-to-date information about the possible acts of the Turkish government must be considered, for which the Directorate is tasked to monitor the developments in Turkey closely.

Thirdly, the applicants are under obligation to prove their identities as well as links with the Gulen Movement themselves as much as possible.

Fourthly, the Ministry recalls the exclusion provision in Section §31 which regulates that if a person committed one of the mentioned crimes, s/he will not be entitled to protection. This is aimed at individuals who cited "fear of future criminal prosecution" because they have committed or acted as accessories to the criminal acts committed during the attempted coup. Even if the conditions to be accepted as refugees under Section §28 are met, there might still be a possibility of exclusion as per Section §31.

Fifthly, being dismissed is "not alone sufficient to warrant the designation persecution." For an act to be considered as persecution under the Norwegian Act, requirements in Section 29 must be met which requires severe human rights violations to be perpetrated.

Sixthly and lastly, the Directorate must take into account the fundamental national interests and foreign policy concerns of Norway while assessing the applications.

Norway's instructions prove the country's affirmative approach towards asylum seekers connected to the Gulen Movement.

2. Canada

Canada has also been one of the exemplary countries ensuring human rights and fundamental freedoms within its jurisdiction. As Prime Minister Justin Trudeau has remarked on several occasions, the country is also very welcoming towards refugees. Following President Donald Trump's executive order on immigration, Trudeau wrote on social media that "To those fleeing persecution, terror & war, Canadians will welcome you, regardless of your faith. Diversity is our strength #WelcomeToCanada," which is only one of his many inclusive statements.¹¹

Canada's Immigration and Refugee Protection Act (hereinafter "IRPA") stipulates similar definitions and conditions with the Norway's Act.¹² Canadian Act was adopted with many objectives in asylum seekers' favor, one of which is to "offer safe haven to persons with a

¹¹ Austen, Ian. "In Canada, Justin Trudeau Says Refugees Are Welcome." *The New York Times*, 28 Jan. 2017, www.nytimes.com/2017/01/28/world/canada/justin-trudeau-trump-refugee-ban.html.

¹² *Canada: Immigration and Refugee Protection Act (IRPA)* [Canada], SC 2001, c. 27, 1 November 2001, available at: <http://www.refworld.org/docid/4f0dc8f12.html> [accessed 29 November 2017]

well-founded fear of persecution.”¹³ The Act also aims to provide fair and efficient procedures regarding the applications as well as to support refugees both socially and economically.¹⁴ According to relevant definitions in the Act a refugee is “a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion, (a) is outside each of their countries of nationality and is unable or, by reason of that fear, unwilling to avail themselves of the protection of each of those countries.”¹⁵ Such a person cannot be returned back to her or his home country unless constituting a danger to public in Canada meaning that criminals will not fall under the scope.¹⁶

This general information of Canadian approach towards refugees must be considered together with the attitude towards Turkish nationals linked with the Gulen Movement. Research Directorate of the Immigration and Refugee Board of Canada responded to information requests regarding the Movement on September 29, 2016.¹⁷ The Response includes brief background information stating that the Gulen Movement “espouses a philosophy that blends a mystical form of Islam with democracy,” and that it started as a religious but then converted into a transnational civil society movement. Main objective of the Movement is to “attain God’s good pleasure based on the conviction that ‘service to humanity is service to God.’” For instance, aiming this objective, the Movement has been supporting students who are in need without expecting anything in return. Whereas the Movement was seen as an ally of the Turkish government especially by leftists, after corruption investigations against the ruling party President Recep Tayyip Erdogan (then-Prime Minister) declared the group as a terrorist organization and since then they have been blamed for everything going wrong in the country just like a scapegoat. The Directorate tries to clarify the structure of the Movement and highlights that there is “no formal structure.” The Response mentions different fields of the Movement’s activities as well, for example, Gulenist institutions are active in education, business and health. Furthermore, the Directorate notes that the participation in these activities are only voluntary and that there is no monetary or other ‘worldly’ incentives.

The Response also adds information as regards the government’s treatment against everyone who has links (or alleged links) with the Movement. It is specified that especially after the attempted coup the government shut down all the institutions that are perceived to be Gulenist (such as schools, colleges, media outlets, hospitals, associations and a bank). In addition, civil servants including judges, military personnel and police officers were dismissed and labeled as terrorists because of their alleged involvement in the so-called attempted coup. However, the Directorate refers to the statements by the US Secretary of State that there needs to be “legitimate evidence that withstands scrutiny” regarding the the Movement’s involvement in the attempted coup and extradition of Mr. Fethullah Gulen, who has been living in self-exile in

¹³ IRPA, Cl. 3 (2) (d).

¹⁴ IRPA, Cls. 3 (2) (e) & (f).

¹⁵ IRPA, Cl. 96.

¹⁶ IRPA, Cls. 115 (1) & (2).

¹⁷ Canada: Immigration and Refugee Board of Canada, *Turkey: The Fethullah Gulen Movement, including structure, areas of operation and activities; procedures for becoming a member; roles and responsibilities of membership; treatment of supporters; the Gulen Movement in Canada, including connections with organisations in Turkey and ability to confirm an individual’s involvement with the Gulen Movement in Turkey (2014-September 2016)*, 29 September 2016, TUR105626.E, available at: <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=456718> [accessed 27 November 2017]

the US for a long time. It must again be recalled that the Movement strongly denies any involvement and has been asking for an international investigation.¹⁸

The Directorate touches on reports by non-governmental organizations on the present situation in Turkey as well. For instance, according to the Turkey Analyst, the government declared state of emergency continuingly after the attempted coup to “cleanse Turkey of Gulen supporters.”¹⁹ According to the Human Rights Watch, state of emergency allows the government to rule the country by decree laws with only minimum parliamentary and none judicial oversight. The Human Right Watch also notes that the extent of the measures “goes far beyond” that people who are not involved in the coup attempt but only have perceived links with the Movement have started to be the targets.²⁰ Thousands of people from different occupations were jailed regardless of any individual assessment. Lastly, Amnesty International’s reports are also alluded in the Response. Pursuant to that, Amnesty points out the situation of detainees who was taken after the attempted coup and were “‘being held arbitrarily’ with ‘no evidence establishing reasonable suspicion of criminal activity.’” Moreover, during the questionings suspects were asked questions irrelevant to the coup attempt trying to reveal if they have any sympathy towards Mr. Gulen.²¹ Amnesty also notes that torture, inhuman and degrading treatment including rape took place in the country’s both official and unofficial detention centers.

The Directorate also draws attention to the fact that requests to extradite people were also made to the Canadian authorities regarding the Movement’s supporters in Canada. However, authorities asked for real evidences rather than mere accusations and allegations to take these requests into consideration.²² The Response refers to the Turkish institutions supporting the Movement active in Canada as well who aim to “advance social cohesion via (through) personal interaction by promoting respect and mutual understanding among people of all cultures and faiths through dialogue and partnership.”²³ Therefore, when it comes to the Turkish refugees and asylum seekers, Canada has been a safe and stable country which will be clarified more below.

The Immigration and Refugee Board of Canada has examined many cases from Turkish applicants with Gulenist links. According to the latest statistics by the Immigration and Refugee Board of Canada, the Refugee Protection Division has received 1665 applications in 2017 (till September), 895 of which have been accepted so far whereas only 121 were rejected, most of the rest are pending and expected to result positively.²⁴ The number of received applications in 2016 was 1103, 398 accepted 67 rejected rest is pending.²⁵ Applications in 2017 as of September quintupled the number in 2015 (which was 295 in total, 104 accepted and 51 rejected)²⁶ and the number is expected to grow as the time goes. Lorne

¹⁸ Sanchez, Ray. “Gulen discusses failed Turkey coup on 'GPS'.” *CNN*, 31 July 2016, www.cnn.com/2016/07/31/world/fethullah-gulen-turkey-fareed-zakaria-gps/index.html.

¹⁹ Responses to Information Requests, s. 5.

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*, s. 6.

²³ *Ibid.*

²⁴ “Refugee Protection Claims (New System) by Country of Alleged Persecution - 2017.” *Immigration and Refugee Board of Canada*, 22 Nov. 2017, www.irb-cisr.gc.ca/Eng/RefClaDem/stats/Pages/RPDStat2017.aspx.

²⁵ “Refugee Protection Claims (New System) by Country of Alleged Persecution - 2016.” *Immigration and Refugee Board of Canada*, 3 Aug. 2017, www.irb-cisr.gc.ca/Eng/RefClaDem/stats/Pages/RPDStat2016.aspx.

²⁶ “Refugee Protection Claims (New System) by Country of Alleged Persecution - 2015.” *Immigration and Refugee Board of Canada*, 3 Aug. 2017, www.irb-cisr.gc.ca/Eng/RefClaDem/stats/Pages/RPDStat2015.aspx.

Waldman, an immigration lawyer from Toronto who has handled almost 20 relevant cases, stated that “Not one has been refused” and added “The Immigration and Refugee Board of Canada takes it as a given that Turks affiliated with Gulen will be at risk if they return to Turkey.”²⁷

3. United Kingdom

Even though the UK’s remarkable respect for human rights, the country does not seem to be very welcoming towards refugees that the asylum system is very complex and tough according to experts.²⁸ The Immigration Act 1971 still governs the process with subsequent amendments in several years. Though the 1951 Refugee Convention has not been directly incorporated into the national legislation – unlike the ECHR, the laws order that any application against the 1951 Refugee Convention are not allowed.²⁹ Therefore, definitions and concepts in the Convention are valid for the British government. Accordingly, definition of a refugee is a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”³⁰

The UK is not silent about the recent problems occurring in Turkey as well. Home Office prepared an extensive report on the Gulen Movement in April 2017 which elaborates the present situation in Turkey regarding the government’s actions against the supporters.³¹ The Movement, who promotes a tolerant Islam which emphasizes altruism, modesty, hard work and education according to BBC,³² has been in the target board for a long time and has been dealing with various strict measures such as arrest, arbitrary detention, dismissal, asset seizure, passport cancellation, closures of Gulenist institutions as well as labeling all the members and sympathizers as terrorists.³³ Moreover, the government has been violating basic human rights including non-derogable ones that even torture and inhuman and degrading treatment took place in detention centers especially after the coup attempt.³⁴

Risks Gulenists may face in their home country and severity of the situation are illustrated very well in the report with reference to different international and non-governmental organizations, human rights experts and news agencies. Home Office classifies the situation of Turkish asylum seekers as amounting to “persecution on the grounds of political opinion” since the measures are taken simply because of having some (or alleged) links with the Movement without considering if the person was really involved in the coup or other illegal activities.³⁵ The possibilities of discriminatory and disproportionate punishment as well as

²⁷ Martin, Patrick. “Turkey’s Gulen crackdown hits Canada.” *The Globe and Mail*, 24 Mar. 2017, www.theglobeandmail.com/news/world/turkeys-gulen-crackdown-hits-canada/article32191633/.

²⁸ “The UK Asylum System - Truth About Asylum.” *Refugee Council*, www.refugeecouncil.org.uk/policy_research/the_truth_about_asylum/facts_about_asylum_-_page_5 [accessed 29 November 2017].

²⁹ “Refugee Law and Policy: United Kingdom.” *Library of Congress*, 21 June 2016, www.loc.gov/law/help/refugee-law/unitedkingdom.php [accessed 29 November 2017].

³⁰ 1951 Refugee Convention, Article 1A (2).

³¹ United Kingdom: Home Office, *Country Policy and Information Note - Turkey: Gülenism*, April 2017, v 1.0, available at: <http://www.refworld.org/docid/58e798354.html> [accessed 28 November 2017].

³² *Ibid.*, para. 4.1.1.

³³ *Ibid.*, paras. 4.3, 5.3, 5.4.

³⁴ *Ibid.*, para. 5.3.

³⁵ *Ibid.*, paras. 2.2.15, 3.1.4.

denial of fair trial are asked to be considered by decision makers.³⁶ The report also highlights that internal relocation is not possible for Gulenists, because the actions are taken directly by the state institutions all over the country.³⁷ Lastly, even if an asylum claim is rejected “it is unlikely to be certifiable as ‘clearly unfounded’”³⁸ under the *Nationality, Immigration and Asylum Act 2002*³⁹ meaning that a possibility to appeal the refusal decision will be on the table.

In the light of information provided in the report, it can be concluded that asylum claims of the Gulen supporters are likely to be accepted by the UK. It is noteworthy that the report reminds decisions makers of exclusion clauses as well meaning that if an asylum seeker has been involved in any crime especially the attempted coup itself, it will not be contrary to the 1951 Refugee Convention to refuse the application. Last but not least it is crucial to realize it is the applicant’s responsibility to prove what would s/he face (and whether it amounts to persecution due to political opinion) in case of return.⁴⁰

4. United States

The US has been one of the countries who receives refugees in quite high numbers. Primary legislation regulating the status of refugees is the *Immigration and Nationality Act* of 1965.⁴¹ After an amendment in 1980, the Act includes a similar definition of a refugee with the 1951 Refugee Convention. Section 101(a)42(A) of this Act defines a refugee as

“any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.”

After the coup attempt in July 2016, just as previous countries, the US has received many asylum applications from Turkish nationals who have some connections with the Gulen Movement. The US’ position towards the issue is significant in a sense that Mr. Fethullah Gulen himself has been living in self-exile in the US since 1999. Turkish government requested his extradition to Turkey, and even though Turkish officials have been criticizing the US loudly for protecting him, the US Justice Department has not been provided sufficiently enough evidence for them to act upon.⁴²

³⁶ *Ibid.*, para. 3.1.6.

³⁷ *Ibid.*, para. 2.4.

³⁸ *Ibid.*, para. 2.5.

³⁹ *United Kingdom: Nationality, Immigration and Asylum Act 2002* [United Kingdom of Great Britain and Northern Ireland], 2002 Chapter 41, 7 November 2002, available at: <http://www.refworld.org/docid/3de74e744.html> [accessed 29 November 2017].

⁴⁰ *Country Policy and Information Note - Turkey: Gülenism*, paras. 2.2.14, 3.1.6.

⁴¹ *United States: Immigration and Nationality Act* (last amended March 2004) [United States of America], 27 June 1952, available at: <http://www.refworld.org/docid/3df4be4fe.html> [accessed 29 November 2017].

⁴² Spetalnick, Matt, and Julia Harte. “Cleric Gulen says he would not flee U.S. to avoid extradition to Turkey.” *Reuters*, 12 July 2017, www.reuters.com/article/us-turkey-security-gulen-usa/cleric-gulen-says-he-would-not-flee-u-s-to-avoid-extradition-to-turkey-idUSKBN19W2VQ.

US Department of State's annual report on human rights practices around the world explained in detail the human rights condition in Turkey.⁴³ The government has been violating human rights and fundamental freedoms within its borders on a large scale. Decree laws have dismissed tens of thousands of people from their jobs through long lists. Most of these people and many others have been accused of being terrorists "in many cases with little clarity on the charges and evidence against them."⁴⁴ The report reiterates that the great majority of imprisoned people were people who have some links with or sympathy towards the Movement, whereas as criminal law requires it should have been considered whether they have participated to the coup activities.⁴⁵ Even though there is no formal number of political prisoners, experts suggest that many people (especially journalists) arrested after the attempted coup could be considered as such.⁴⁶ Detainees are taken under terror-related laws which are broadly defined and even more their rights within jails are not respected as well.⁴⁷

There were even cases where police arrested family members of people who were not at home when the police came aiming intimidation.⁴⁸ In addition, even though it was legal to publish and possess books supporting the Gulen Movement and that those books were publicly available by certified publishers, right after the coup attempt police officers started seeing books as a "credible evidence of membership in a banned organization."⁴⁹

Considering all these it is no surprise that the Movement's supporters have applied for asylum in the US as well. Though the US' asylum procedure is quite long and that many applicants still wait to be heard before a judge, there have been cases where the applicant was heard and granted asylum. For instance, an immigration court in New Jersey decided to grant asylum to the applicant after the respondent illustrated in detail why and how would he be at risk if he returns to Turkey.⁵⁰ The judge specified the respondent's testimony credible since he presented his story in great detail without any contradiction. The court was satisfied that the respondent's case constituted "well-founded fear of future persecution on account of imputed political opinion." Here, the court made a comparison with individuals "similarly situated to him" and concluded that the respondent's fear is 'objectively reasonable'. Finally, the court used its discretionary power in his favor because he has no records of criminal activities. This decision is one of the very first affirmative decisions by US courts regarding Gulen-related cases and number of such decisions is expected to rise as the applicants start to stand before the judge.

5. Overall Evaluation and Conclusion

Considering all the information above, it can be said that all four countries affirm the strict measures taken against the supporters of the Gulen Movement. These measures constitute clear violations of different human rights provisions that are internationally accepted. Striking points from the above-mentioned documents can be read as follows:

⁴³ United States Department of State, *2016 Country Reports on Human Rights Practices - Turkey*, 3 March 2017, available at: <http://www.refworld.org/docid/58ec89b3a.html> [accessed 30 November 2017].

⁴⁴ *Ibid.*, p. 1.

⁴⁵ *Ibid.*, p. 9.

⁴⁶ *Ibid.*, p. 17.

⁴⁷ *Ibid.*, p. 18.

⁴⁸ *Ibid.*, p. 20.

⁴⁹ *Ibid.*, p. 29.

⁵⁰ *Matter of S.B.*, United States Executive Office for Immigration Review (EOIR), 7 November 2016.

- i. Severe actions of the government are clearly targeting the supporters of the Movement. Thus, there is a high risk of persecution when these asylum seekers return to their home country of Turkey. The government's actions so far amount to persecution based on one's political opinion which is supporting the Gulen Movement (or at least not being against it explicitly). This is especially because the government does not care about whether a person has taken any role within the coup attempt or not, but only examines individuals' contacts with the Movement.
- ii. These people are seen as non-violent individuals who have not committed any crime throughout their lives. Looking at their ideology which is promoting moderate Islam together with values such as dialogue, tolerance, peace, democracy and human rights, there needs to be really strong and persuasive evidence than mere allegations to accuse them of being terrorists which could not have been found by the government despite all the efforts.
- iii. The Gulen Movement promotes education for a long time since its establishment that it founded many schools and colleges both in Turkey and abroad as well as helped students in need to fund themselves. Therefore, it is no surprise that most of its members (especially the new generations) are well-educated. It can be said that these people might change the perception towards 'refugees' who are traditionally seen as uneducated. It can even be said that they will become assets in countries they seek asylum.

6. Recommendations

Having in regard all these, as the Advocates of Silenced Turkey, we recommend decision makers and authorities who receive applications from Turkish asylum seekers to take into account the severity of the situation and the possible acts of the Turkish government when they return, which are explained above. Current situation in Turkey is quite worrying that many people have been trying to escape leaving everything behind, and thus asylum would be their only option to live freely in a safe country. We are urging any government concerned with human rights and fundamental freedoms to consider the significance of the asylum claims for those people as well as their families and lives.