

No. 55851. Turkey and International Organization for Migration

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND THE INTERNATIONAL ORGANIZATION FOR MIGRATION ON THE LEGAL STATUS, THE PRIVILEGES AND IMMUNITIES OF THE ORGANIZATION AND ITS OFFICE IN TURKEY. ANKARA, 16 NOVEMBER 1995

AGREEMENT TO AMEND THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND THE INTERNATIONAL ORGANIZATION FOR MIGRATION ON THE LEGAL STATUS, THE PRIVILEGES AND IMMUNITIES OF THE ORGANIZATION AND ITS OFFICE IN TURKEY BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM). ANKARA, 12 JANUARY 2017*

Entry into force: 4 July 2018 by notification, in accordance with paragraph 16

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N° 55851. Turquie et Organisation internationale pour les migrations

ACCORD ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE TURQUIE ET L'ORGANISATION INTERNATIONALE POUR LES MIGRATIONS SUR LE STATUT JURIDIQUE, LES PRIVILÈGES ET IMMUNITÉS DE L'ORGANISATION ET DE SON BUREAU EN TURQUIE. ANKARA, 16 NOVEMBRE 1995

ACCORD PORTANT MODIFICATION DE L'ACCORD ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE TURQUIE ET L'ORGANISATION INTERNATIONALE POUR LES MIGRATIONS SUR LE STATUT JURIDIQUE, LES PRIVILÈGES ET IMMUNITÉS DE L'ORGANISATION ET DE SON BUREAU EN TURQUIE CONVENU ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE TURQUIE ET L'ORGANISATION INTERNATIONALE POUR LES MIGRATIONS (OIM). ANKARA, 12 JANVIER 2017*

Entrée en vigueur: 4 juillet 2018 par notification, conformément au paragraphe 16

Textes authentiques : anglais, français et turc

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AGREEMENT

to amend

THE

**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF
TURKEY AND THE INTERNATIONAL ORGANIZATION FOR MIGRATION
ON THE LEGAL STATUS, THE PRIVILEGES AND IMMUNITIES OF THE
ORGANIZATION AND ITS OFFICE IN TURKEY**

between the

THE GOVERNMENT OF THE REPUBLIC OF TURKEY

and

INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)

Preamble

The International Organization for Migration and the Government of the Republic of Turkey have entered into the AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND THE INTERNATIONAL ORGANIZATION FOR MIGRATION ON THE LEGAL STATUS, THE PRIVILEGES AND IMMUNITIES OF THE ORGANIZATION AND ITS OFFICE IN TURKEY on 16 November 1995 (hereinafter “the Agreement”).

The Parties now seek to amend the Agreement as follows:

1. The title of the Agreement is deleted and replaced as follows:

“AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND THE INTERNATIONAL ORGANIZATION FOR MIGRATION ON THE LEGAL STATUS, THE PRIVILEGES AND IMMUNITIES OF THE ORGANIZATION IN TURKEY”

2. The second paragraph of the Preamble of the Agreement is deleted and replaced with the following paragraph:

“Considering that the purpose and functions of the Organization and the activities carried out by the Organization and its staff in Turkey require the conclusion of a formal agreement to determine the legal status in Turkey of the Organization, its Country Office, its sub-offices and its staff,”

3. Article 1 of the Agreement is deleted and replaced with the following Article:

“ARTICLE 1

The Government of the Republic of Turkey hereby agrees to the establishment of a Country Office of the Organization in Ankara. The Organization may establish sub offices in cities other than Ankara upon written consent of the Government. Such sub offices shall be considered as part of the Country Office and enjoy the same status as provided under this Agreement. Sub offices may be closed if the needs of the Organization require so or if the Host Country requires so, after consultation with the Organization.”

4. Article 3.1. of the Agreement shall be deleted and replaced with the following Article:

“1. The Organization, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except insofar as in any particular case, the Director General shall have expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.”

5. In Article 4 the word “Office” is replaced with the word “Organization”.

6. Article 6.1.a., b., and c. shall be deleted and replaced with the following Article:

“1. The Organization, and its assets, income and other property shall be exempt:

- a. from any form of direct and indirect taxes and excise duties. The Organization, however, will not claim exemption from taxes which are, in fact no more than charges for public utility services;
 - b. from customs duties and from prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Organization for its official use, on the understanding that articles imported under such exemption will not be sold in Turkey, except in accordance with conditions agreed to with the Government;
 - c. from customs duties and prohibitions and restrictions in respect of the import and export of its publications, still and moving pictures, videos and films and sound recordings.”
7. In Article 6.2, the word “Office” is replaced with the word “Organization”.
 8. Article 6.3 shall be deleted.
 9. Article 7 shall be deleted and replace with the following Article:

“ARTICLE 7

1. For its official communication the Organization shall enjoy treatment not less favorable than that accorded by the Republic of Turkey to any other intergovernmental organization or Government, including the diplomatic mission of any such other Government, in the matter of priorities, and taxes on mails, cables, telegrams, telex, radiograms, telephotos, telephone and other communications and press rates for information to press and radio.
2. No censorship shall be applied to the official correspondence or other official communications of the Organization and to all correspondence or other communications directed by the Organization or to any official of the Organization by whatever means of communications.”

10. Article 8 shall be deleted and replaced with the following article:

“ARTICLE 8

1. “Staff members” are the Chief of Mission, the Head(s) of a sub-office, and other officials appointed by the Director General of the Organization or his designated representative.
 2. Staff members are subject to IOM Staff Regulations.”
11. Article 9.1. shall be deleted and replaced as follows:

“1. The Staff members shall enjoy the following privileges, immunities and facilities in Turkey:

- a. Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity. This immunity shall extend beyond the end of their duties at IOM;**
- b. Exemption from any form of direct taxation on salaries and emoluments paid to them by IOM;**
- c. Exemption for Staff members of other than Turkish citizenship from any form of direct taxation on income derived from sources outside Turkey;**
- d. Immunity, together with their spouses and relatives dependent on them, on the condition that they are not permanent residents in Turkey, from immigration restrictions and alien registration;**
- e. Enjoyment of the same exchange facilities accorded to other diplomatic missions in Turkey, including holding a foreign currency account;**
- f. Enjoyment of, together with their spouses and relatives dependent on them, on the condition that they are not nationals of or permanent residents in Turkey, on the same protection and repatriation facilities in time of international crisis as diplomatic envoys;**
- g. Exemption from all forms of indirect taxation, excise duties and from custom duties, import restrictions and prohibitions for the following, on the condition that they are not nationals of or permanent residents in Turkey:**
 - (i) Furniture, house ware and personal effects imported into Turkey within the first 6 months residence duration and, following the end of their post, the right to re-export these articles with exemption from custom duties in Turkey. Said articles cannot be put on sale in the local market unless the customs duty and other relevant taxes are paid. The Government shall duly consider any request for extension of or exemption from the six-month duration confirmed by the Staff member and supported by IOM;**
 - (ii) Only one motor vehicle at a time, in compliance with the Government's regulations in place. Motor vehicles less than 3 years old at the time of importation may be sold after 2 years of their import. Motor vehicles more than 3 years old at the time of importation cannot be sold to non-privileged persons any time after their import, subject to the relevant regulations in Turkey;**
- h. Exemption from vehicle taxes and relevant taxes; on the condition that they are not nationals of or permanent residents in Turkey;**
- i. Enjoyment of the right to export free of duty their furniture and effects, including their motor vehicles, following the end of their office in Turkey;**