

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

Entry into force: *11 January 2004, in accordance with article 13(1)*

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**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

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Note : *Voir aussi annexe A, No. 55851.*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**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**

The Government of the Republic of Turkey (hereafter called the Government) on the one hand, and the International Organization for Migration (hereafter called the Organization) on the other hand,

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 Office and its staff,

Hereby agree as follows:

ARTICLE 1

The Government of the Republic of Turkey hereby agrees to the establishment in Ankara of an Office of the Organization.

ARTICLE 2

The Organization shall possess juridical personality in Turkey, with full capacity to:

- a. contract,
- b. acquire and dispose of immovable and movable property,
- c. receive and disburse public and private funds,
- d. institute legal proceedings.

ARTICLE 3

1. The Organization shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity.

2. The property and assets of the Organization including its vehicles, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative or legislative action.

ARTICLE 4

The premises and archives of the Office and in general all documents belonging to it or held by it, shall be inviolable. To that end, the premises, archives and documents of the Office shall bear visible external marks of their character.

The premises of the Office shall not be used in any manner incompatible with the functions of the Office.

ARTICLE 5

Without being restricted by financial controls, regulations or moratoria of any kind, the Organization may hold any funds or currency of any kind and operate accounts in any currency. It shall be free to transfer its funds or currency from one country to another and to convert any currency held by it into any other currency.

ARTICLE 6

1. Within the scope of its official activities, the Organization, its assets, premises, income and other property shall be

- a. exempt from all direct taxes, except for taxes which are, in fact, no more than charges for public utility services,
- b. exempt from customs duties for imports and exports in respect of articles imported or exported by it for its official use. Articles imported under such exemption, with the exception of publications which are not prohibited by laws and regulations of the country, shall not be sold in the Public of Turkey or exported to another country except under conditions previously agreed with the Government,
- c. exempt from customs taxes and duties for imports of vehicles to be used for official purposes to meet its operational requirements.

2. The Government shall allow proper registration of the official service vehicles of the Office under the same conditions as applied to the vehicles of the international intergovernmental organizations in the Republic of Turkey

The Organization shall, on application, be granted exemption from motor vehicle tax in respect of its motor vehicles used for its official activities.

3. The Organization shall be accorded a refund of value added tax paid on the supply of goods or services of considerable value necessary for the official activities of the Organization. Claims for refund will be made only in respect of goods or services supplied on a recurring basis or involving considerable expenditure such as the furnishing of the premises of the Office of the Organization. The Organization shall be accorded a refund of the excise duty element included in the price of spirits and hydrocarbons such as fuel oils and motor fuels purchased by the Organization and necessary for its official activities.

ARTICLE 7

1. For its official communications the Organization shall enjoy treatment not less favorable than accorded by the Republic of Turkey to other international intergovernmental organizations.

2. No censorship shall be applied to official communications of the Organization by whatever means of communications.

ARTICLE 8

1. Staff members of the Office are the Head of the Office, other officials and officers appointed to administrative level positions by the Director General of the Organization or his designated representative.

2. Staff members are subject to IOM Staff Regulations and Rules.

ARTICLE 9

1. Staff members of the Organization who are neither Turkish nationals nor permanent foreign residents shall, together with their family members, inter alia:

- a. be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- b. be exempt from taxation in respect of the salaries and emoluments paid to them by the Organization;
- c. enjoy inviolability for all their official papers and documents;
- d. be immune from immigration restrictions and aliens registration;
- e. be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;
- f. be given the same repatriation facilities in time of national or international crisis as officials of comparable rank of diplomatic missions;
- g. have the right to import free of duty their personal and household effects at the time of their first installation in Turkey;
- h. be exempt from any personal or public service and from military obligations;
- i. with respect to services rendered to the Office, be exempt from social security provisions in force in the Republic of Turkey.

2. In addition to the privileges and immunities specified in paragraph (1) of the present article, the Head of the Office shall be accorded in respect of himself/herself, his/her spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic agents in accordance with international law.