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MIGRATION  
POLICY CENTRE

Issue 2017/30  
November 2017

POLICY  
BRIEF

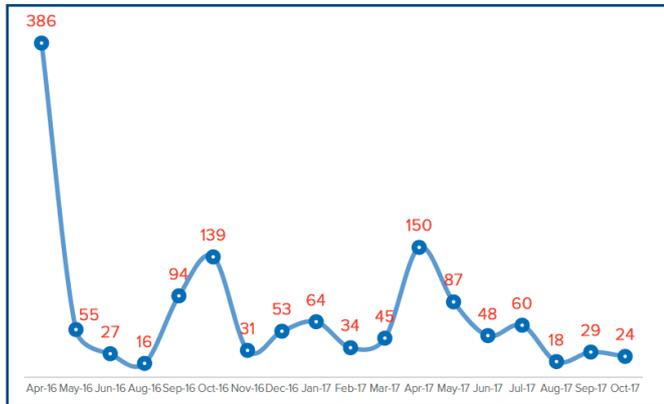
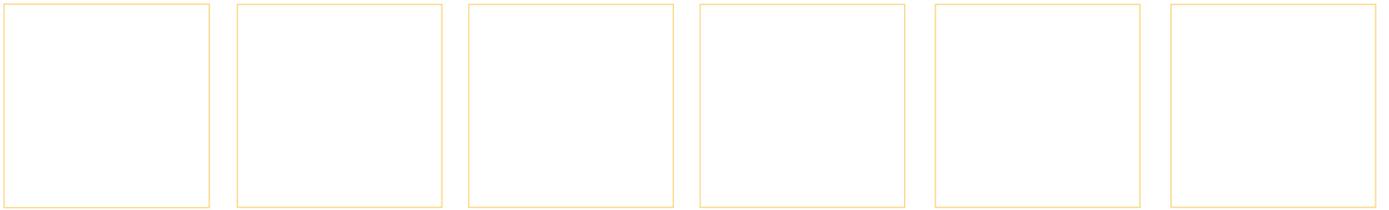
## *Post-deportation risks under the EU-Turkey Statement: What happens after readmission to Turkey?*<sup>1</sup>

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This policy brief examines whether asylum seekers readmitted from Greece to Turkey after the EU-Turkey Statement as of April 2016 were able to access effective protection in Turkey thereafter (see graph, return trend, p. 2). The EU has long collaborated with countries of origin and transit in the form of migration compacts, readmission agreements and Memoranda of Understanding. The EU-Turkey Statement is different from prior forms of agreements because of the use of the safe-third-country concept. As a result, Greece can reject asylum applications of people who passed through Turkey as being inadmissible and shift the responsibility of merit assessments to Turkey. Whether Turkey can offer effective protection and be considered a safe-third-country is highly disputed.<sup>2</sup> Despite political pressure and the Noori ruling by the Greek Council of state in September 2017, Greece has not yet deported an individual to Turkey on grounds of the safe-third-country concept. The 1,360 individuals (including 216 Syrians) whom Greece readmitted to Turkey between April 2016 and October 2017 (see graph, nationalities of those

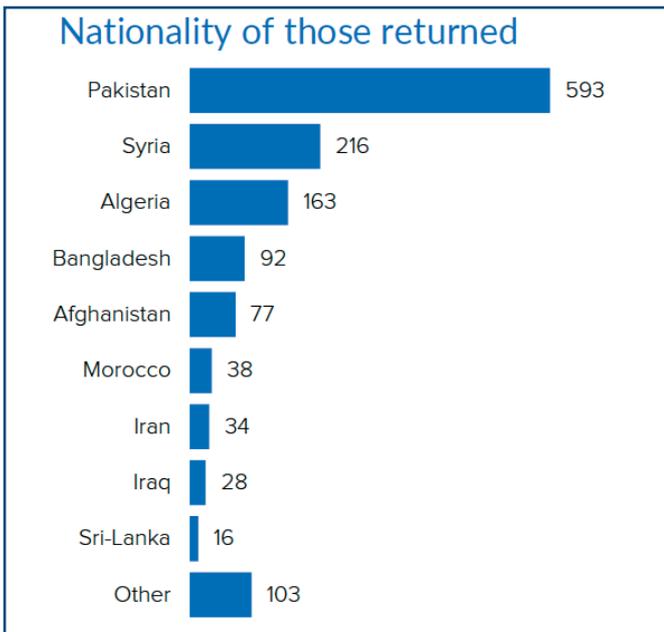
1. This Policy Brief was researched and written in the context of a research project initiated by Ilse van Liempt at the University of Utrecht and financed by the Netherlands Organisation for Scientific Research (NWO). We also thank project members Annelies Zoomers, Harald Glöde and the anonymous reviewers for their input and reflections. Last but not least, we would like to sincerely thank our respondents in Greece, Turkey and Pakistan. If you have any comments about this policy brief, please get in touch with the team of authors under [m.j.alpes@gmail.com](mailto:m.j.alpes@gmail.com).

2. For a legal analysis of evidence that was mobilised by the Greek Council of State in relation to the question whether Turkey is a safe third country, see Refugee Support Aegean and Pro Asyl, (20 October 2017), “UNHCR has Failed to Stand Up for Refugee Rights During Crucial EU-Turkey Statement Judgement”, Legal Note, retrieved at <https://www.proasyl.de/en/news/legal-note-unhcr-has-failed-to-stand-up-for-refugee-rights-during-crucial-eu-turkey-deal-judge/>.



UNHCR, 6 October 2017, Returns from Greece to Turkey

returned) had either accepted to return, had received a negative asylum decision on grounds of merit or had, for various reasons, not been able or willing to complete their asylum procedure in Greece.<sup>3</sup>



UNHCR, 6 October 2017, Returns from Greece to Turkey

This policy brief is based on 26 asylum seeker interviews, which concerned 43 individuals readmitted from Greece to Turkey (10 Syrians and 33 non-Syrians).<sup>4</sup> The brief

3. For more details, see Alpes, M.J., Tunaboynu, S., van Liempt, I., (2017), 'Human rights violations by design: EU-Turkey Statement prioritizes returns from Greece over access to asylum', EUI Policy Brief (29).

4. In July and August 2017, Tunaboynu carried out 19 phone interviews about the readmission of 30 individuals who had been readmitted from Greece to Turkey (ten Syrians, four Pakistanis, 15 Afghans, one Bangladeshi, one Zimbabwean, one Gambian, one Ivorian, one Iraqi). During the same period, Alpes carried out interviews with three

makes a distinction between Syrian and non-Syrian migrants and asylum seekers given their different legal statuses in Turkey. The researchers contacted readmitted asylum seekers through the mediation of a translator (5X), volunteers or NGO staff (10X), through Turkish lawyers (2X) and through recommendations of asylum seekers themselves (9X), giving the sample a slight bias towards those returnees who had enough social capital to enter and stay in contact with volunteers, NGOs or lawyers. The findings were triangulated through expert interviews with Greek and Turkish lawyers<sup>5</sup> and the rare secondary literature on the matter. International organisations, NGOs and researchers have had very limited access to people who have been readmitted from Greece to Turkey to date. After the attempted *coup d'état*, a nationwide crackdown on human-rights defenders, which also targeted members of refugee rights organisations, further restrained possibilities for human rights monitoring.<sup>6</sup>

Even though UNHCR acknowledged in December 2016 that it did "not benefit [...] from unhindered and predictable access to pre-removal centres and to the Duzici reception centre in Turkey,"<sup>7</sup> the EU has not put into place a mechanism for monitoring the situation of readmitted individuals. This policy brief documents the following human rights risks for readmitted people under the EU-Turkey Statement. First, neither Turkey's temporary protection regime for Syrians,<sup>8</sup> nor its

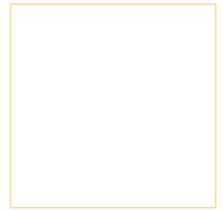
asylum seekers from the DRC who had been readmitted from Greece to Turkey under the Statement. In September 2017, Hassan carried out seven interviews concerning the readmission of ten Pakistanis from Greece to Turkey and then from Turkey to Pakistan.

5. In July and August 2017, Alpes carried out interviews with 3 Turkish, 5 Greek, 6 international lawyers in Greece. In January 2017, Ulusoy interviewed 7 Turkish lawyers and 5 NGO practitioners in Turkey.

6. In July 2017, several pro-governmental Turkish newspaper published in a coordinated manner a series of press articles that specifically targeted NGOs working in favor of migrants' rights. Among others; (in Turkish) front pages of the printed editions of *Aksam* (<http://www.gazetemanset.com/aksam-gazetesi/20-temmuz-2017>) and *Gunes* (<http://www.gazetemanset.com/gunes-gazetesi/20-temmuz-2017>). See also, Hur24 news <http://www.hur24.com/alman-vakiflari-turkiyede-sinsi-faaliyetler-yurutuyor-33986h.htm>.

7. UNHCR, Representation in Greece, Response to query related to UNHCR's observations of Syrians readmitted to Turkey, GREAT/HCR/973, 23 December 2016, retrieved from: <http://www.statewatch.org/news/2017/jan/unhcr-letter-access-syrians-returned-turkey-to-greece-23-12-16.pdf>

8. Temporary Protection Regulation, 22 October 2014, retrieved from: <http://www.refworld.org/docid/56572fd74.html>



conditional protection regime for non-Syrians<sup>9</sup> offers refugees long-term settlement prospects in Turkey. Also, legislative changes introduced after the attempted *coup d'état* have increased the risk of *refoulement* for asylum-seekers and refugees in Turkey. Second, readmitted non-Syrians are detained after returns to Turkey and, only in exceptional circumstances, are they able to apply for asylum from within Turkish detention centres. Interviewed non-Syrians have been deported from Turkey without respect for procedural safeguards and 25 out of a sample of 33 non-Syrians have been intimidated to sign voluntary return forms in Turkish detention centres. Third, readmitted Syrians experienced the temporary protection regime in Turkey as being so meaningless that 16 out of 216 readmitted Syrians felt obliged, to return from Turkey to Syria.

### Weak Protection for Asylum Seekers and Refugees Further Undermined after the Failed *Coup D'état*

Turkey is one of four countries worldwide to apply a geographical limitation to the 1951 Refugee Convention, restricting its protection to nationals of Council of Europe member states. As Turkey lacked a comprehensive and dedicated law on international protection until 2014, UNHCR was in charge of carrying out refugee status determination and organising the resettlement of recognised refugees. Only in 2014, did Turkey ratify the Law on Foreigners and International Protection, which created the Directorate General for Migration Management (DGMM) and put it in charge of asylum applications.<sup>10</sup> The new law maintains the geographical limitation, but creates a new status for non-European refugees, calling them 'conditional refugees.' Conditional refugee status provides refugees with a lawful stay in the country, but access to education or the labour market is in practice very limited.<sup>11</sup> Conditional refugees have no

9. Republic of Turkey, Law No. 6458 on Foreigners and International Protection, 4 April 2013, available at: [http://www.goc.gov.tr/files/files/eng\\_minikanun\\_5\\_son.pdf](http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf)

10. Because the Law on Foreigners and International Protection was only ratified in 2014, administrative courts lack expertise in applying the legislation to foreigners. Boček, T., (2016), 'Report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees', retrieved from: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168069aa7f>.

11. Amnesty International, (2016), No Safe Refuge: Asylum-seekers and refugees denied effective protection in Turkey, pp. 23- 33, retrieved

prospect of obtaining a long-term residence permit in Turkey and are not entitled to family reunification.

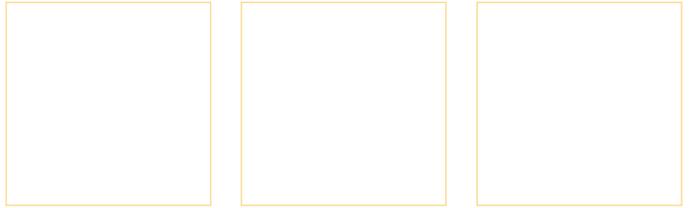
In 2014, Turkey also introduced the Temporary Protection Regulation, which governs the protection regime for Syrians. This legal framework does not guarantee a long-term settlement prospect in Turkey either. Temporary protection status can be terminated unilaterally by a Council of Ministers' decision, after which Syrians would be required to leave the country. Turkish authorities expect that both 'temporary' (i.e. Syrians) and 'conditional' (i.e. non-Syrian) refugees can either be resettled or repatriated in the foreseeable future. Outside of camps, Turkey does not provide Syrians with accommodation or assistance with accommodation costs, nor did it put into place systematic welfare provision for conditional refugees and asylum seekers. While registered refugees and asylum seekers are entitled to access free health care in public facilities, language problems render this right ineffective and unregistered refugees and asylum seekers are given access only to narrowly defined emergency healthcare.<sup>12</sup>

After the failed *coup d'état*, legislative changes under the state of emergency lifted important procedural safeguards for the effective protection of asylum seekers and refugees in Turkey. On 29 October 2016, the Presidential Decree No. 676 made significant amendments, notably to Art. 36 and Art. 54 of the Law on Foreigners and International Protection. As a result, asylum seekers and fully recognised refugees can be deported at any point if they are recognized as 'a member of a terrorist organization'. The provision does not require a court decision or formal procedure for declaring a foreign national to be a member of a terrorist organization. The amendment also abolishes the automatic suspensive effect for deportation orders in case of appeals. As a result, Turkish law no longer respects the principle of *non-refoulement*. Recent cases examined by Amnesty International demonstrate that the risk of *refoulement* is not theoretical, but very real.<sup>13</sup>

from: <https://www.amnesty.org/en/documents/eur44/3825/2016/en/>

12. Boček, T., (2016), 'Report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees', retrieved from: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168069aa7f>.

13. Amnesty International, 22 September 2017, Refugees at heightened risk of *refoulement* under Turkey's state of emergency, AI Index EUR 44/715/2017, retrieved from: <https://www.amnesty.org/en/documents/eur44/7157/2017/en/>



## Deported Non-Syrians Unable to Apply for Asylum From within Detention Centres and Forced to Sign Return Papers

Out of a sample of 33 non-Syrians who have been deported from Greece to Turkey:

- 16 stated that they had been unable to apply for asylum in Turkey,
- 25 were intimidated and threatened in Turkish detention centres to accept returns to countries of origin.
- 11 are in Turkey, 15 are in their respective countries of origin and seven have again paid smugglers and are back in EU member states

Non-Syrians who are deported from Greece to Turkey are immediately detained upon arrival with the stated purposes of secondary deportation to respective countries of origin.<sup>14</sup> Only 33% of these readmitted individuals had received a negative asylum decisions by Greek authorities prior to their deportation.<sup>15</sup> Nonetheless, readmitted non-Syrians do not have access to fair and efficient procedures for the determination of their status in Turkey. Out of 1,144 non-Syrians readmitted to Turkey, only 57 were able to submit an international protection application from within Turkish detention centres (see graph, Access to asylum in Turkey). Out of these 57, two persons have been granted refugee status in one and a half years.<sup>16</sup> Nine applicants received negative decisions, 39 applicants are awaiting a decision and 831 people were returned to their countries of origin.<sup>17</sup>

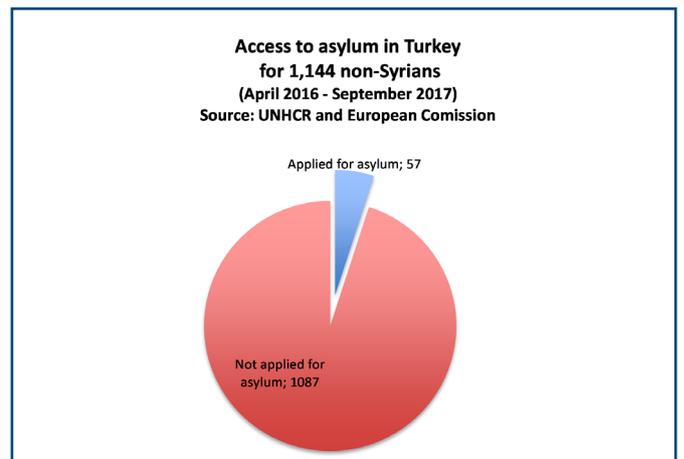
14. GUE/NGL Delegation to Turkey, 2-4 May 2016, What Merkel, Tusk and Timmermans should have seen during their visit to Turkey, p. 5, retrieved from: [http://www.guengl.eu/uploads/news-documents/GUENGL\\_report\\_Situation\\_of\\_refugees\\_since\\_EU-Turkey\\_statement\\_2016.05.10.pdf](http://www.guengl.eu/uploads/news-documents/GUENGL_report_Situation_of_refugees_since_EU-Turkey_statement_2016.05.10.pdf).

15. UNHCR, 6 October 2017, Returns from Greece to Turkey, retrieved from: <https://data2.unhcr.org/fr/documents/download/60306>

16. For this study, we interviewed the two lawyers who were filing these two successful asylum applications. Even though these two cases were successful, both individual will still have to wait for many years for their resettlement place.

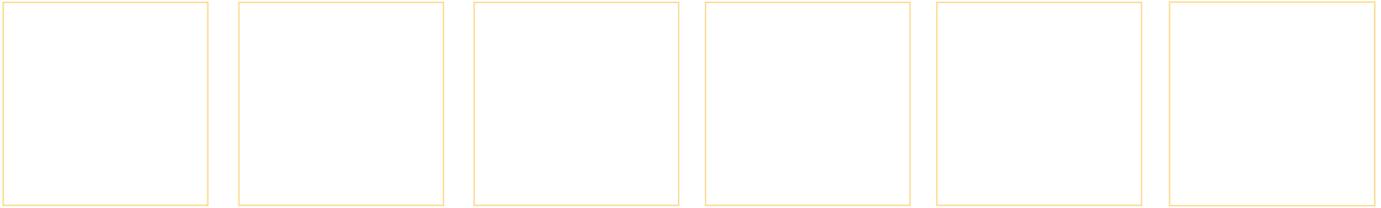
17. European Commission, 06 September 2017, Seventh Report on the progress in the implementation of the EU-Turkey Statement retrieved from: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906\\_seventh\\_report\\_on\\_the\\_progress\\_in\\_the\\_implementation\\_of\\_the\\_eu-turkey\\_statement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906_seventh_report_on_the_progress_in_the_implementation_of_the_eu-turkey_statement_en.pdf)

According to an interviewed Turkish lawyer, access to international protection from within Turkish detention centres depends on ‘pure luck.’<sup>18</sup> A 33-year old Ivorian man detained in 2016 said: “We did not have any opportunity to express our wish to apply for asylum. [...] There was the logo of European Union, and human rights everywhere in the center, but nothing was done to defend ours.” Readmitted non-Syrians are unable to apply for asylum within Turkish detention centres amongst others because they cannot access legal aid or means of communication. Interviewed readmitted non-Syrians reported that the Turkish authorities confiscated their phones and that the only way for them to communicate with the outside world was through a payphone in the detention centre. Access was limited as interviewees explained that they were locked up in their rooms all day long except for 20-30 minutes. Two interviewees reported not to have had any access to the payphone for the first three months of their detention: A Pakistani man detained in 2016 said: “We told them that we want to contact our families and that they might be worried, but they didn’t allow us. When we complained, they kept beating us. During the 5 months I stayed there, they beat us many times.” A 16-year old Afghan boy detained for 8 months in Turkey said: “On those first three months, my grandmother took a ceremony for our death because there was no news from us. She thought that we had died on the sea.”



Access to asylum in Turkey for readmitted non-Syrians, April 2016 – September 2017. Source: EC 7th implementation report, UNHCR October 2017.

18. Between April 2016 and July 2017, for example, one of the leading legal aid organisations for refugees ‘Refugee Rights Turkey’ has only been able to follow 150 readmission cases in detention.



Access to legal aid and protection also depends on the financial resources of asylum seekers as Turkish bar associations do not provide systematic free legal aid to detainees.<sup>19</sup> Yet, even when detainees manage to reach out to a legal aid organisation, lawyers face important obstacles in their work. The Pehlivan köy<sup>20</sup> and Kayseri Removal Centres to which the Turkish authorities have transferred readmitted non-Syrians respectively before and after May 2017 are a four- to ten-hour bus ride away from Istanbul and Izmir.<sup>21</sup> Turkish lawyers face access restrictions due to: the discretionary powers of detention centre management; its dependence on instructions from the Directorate General for Migration Management (DGMM); and its staff's relative lack of familiarity with the 2014 law on foreigners and international protection. The interview room in which lawyers can meet detainees is under video surveillance and security staff do not leave the room during meetings, creating fears of reprisals among detainees who want to voice complaints about detention conditions. Detainees lack translators and struggle to give their lawyers power of attorney because of the form of identification that is required and the cost of translating documents.<sup>22</sup>

Despite legal guarantees about access to information, interviews with readmitted non-Syrians and Turkish lawyers show that readmitted asylum seekers were not informed about asylum procedures in Turkish detention centres.<sup>23</sup> A 29-year-old Zimbabwean asylum seeker

19. According to Turkish bar associations, the minimum fee for the cancellation of a removal or detention order is respectively roughly 250 Euro. An application for interim measures with the constitutional court costs roughly 900 Euro.

20. Pehlivan köy is a small and isolated town in Kırklareli. The removal center is hence also known as the Kırklareli removal center.

21. One of the lawyers who trained members of the Kayseri bar association in refugee law has been arrested after the failed *coup d'état* and is still in detention at the time of the publication of the brief.

22. Refugee Rights Turkey, February 2016, Position Paper: Notarization of Power of Attorneys by Asylum Seekers in Turkey: Problems and Recommendations, retrieved from: [http://mhd.org.tr/assets/vekalet\\_eng.pdf](http://mhd.org.tr/assets/vekalet_eng.pdf)

23. When the Special Representative of the Secretary General of the Council of Europe on migration and refugees, Tomáš Boček, visited removal centers in Turkey in June 2016, Turkish authorities but were unable to provide him with a sample copy of legal aid information leaflets despite reassurances that all new arrivals are given a document explaining their right to apply for international protection in a language that they understand. Boček, T., (2016), 'Report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, Special

detained in Kayseri from June until July 2017 said: "Besides that we would stay in the jail for one year, they didn't give us any other information. [...] No one was speaking in our language. They did not tell us anything, and nothing about our rights." Interview respondents also reported that detention centre officers were misinforming them. An officer at the Kayseri detention centre told an interviewed Pakistani asylum seeker who had been deported to Turkey in January 2017: "Those people who got their asylum rejected in Greece, they are not allowed to apply for asylum in Turkey." "You came here for deportation, you will all go back to your countries."

Out of a sample of 33 readmitted non-Syrians, 16 testified that their verbal attempts to apply for asylum were ignored or even actively discouraged by staff in detention centres. A 35-year old Pakistani man detained in May 2017 explained: "If we chose to request asylum, they would take away our blankets and make the rooms extra cold. [...] It was freezing, how could we stay there for six months?" An interviewed 19-year-old Bangladeshi national detained in Turkey for one year until May 2017 explained how Turkish detention authorities responded to his wish to apply for asylum by saying: "You don't have any other choice but to go back to your country. You cannot work in Turkey, you cannot do anything here." Two interviewed DRC nationals explained that they had asked for the UN upon arrival in the Pehlivan köy detention centre in April 2016, but that the authorities told them that this was not possible. Both individuals were eventually able to reach a lawyer only because they managed to negotiate access to a landline with detention guards and knew by heart the phone number of a Congolese priest in Istanbul.<sup>24</sup> Looking back in July 2017, one of them commented: "Why if all this time we asked for asylum, were we not shown that office?"

Out of a sample of 33 readmitted non-Syrians, 25 said that Turkish authorities were trying to force them in different ways to sign papers that would lead to their return. A 16-year old Afghan asylum seeker detained from April to November 2016 said how: "Every month, officers visited and they kept telling us to sign the deportation papers.

Representative of the Secretary General on migration and refugees', retrieved from: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168069aa7f>.

24. Detention centres do not provide detainees with the phone numbers of legal aid organisations.



They said that otherwise they would keep us there for our whole lives.” A 29-year old Zimbabwean man detained in Kayseri explained: “Some people were taken to the dark (isolation) room if they refuse to go back to their country.” A 19-year old Afghan man readmitted to Turkey in April 2016 explained: “We had no hope because they kept telling us that we would be in prison for the rest of our lives. That’s why we decided to go back to Afghanistan. I prefer to die in Afghanistan then being detained for whole my life.” Two Congolese respondents reported that the Turkish officers became verbally aggressive when they refused to sign documents that were entirely written in Turkish. A 27-year old Pakistani woman with two children of two and four years explained: “I could hear the screams of people being beaten in the cell next to us because they would refuse to give their IDs.” The Turkish authorities need IDs in order to initiate the process of sending detainees back to their country of origin. “We had to request them to move us or move their cell because our children would get scared and start crying”.

Despite provisions in Turkish law,<sup>25</sup> interviews with readmitted non-Syrians reveals unacceptable detention conditions. Unaccompanied minors can stay in the same cells as adults and sometimes men and women are also mixed. A 27-year old Pakistani woman and mother of two stated that the children were constantly hungry and crying, as the Turkish authorities would not provide milk and diapers. They had to purchase their own from the jail’s store and the prices were hiked up because “they knew we had no choice but to buy it from them. It was easily four times the normal price.” Removal centres have facilities such as internet rooms, libraries, hairdressers and sports halls. But, detainees were according to the interviewed Turkish lawyers hardly ever allowed to use these facilities. As a 19-year old readmitted Afghan detained in Pehlivan köy in 2016 explained: “We had nothing to spend time with, not even a piece of paper.

Even those readmitted asylum seekers who are lucky to be able to apply for asylum do not benefit from support measures during the procedure. An Afghan father was able to apply for asylum from within detention thanks to the intervention of volunteers whom he had met in Greece prior to their readmission to Turkey. He explains the precariousness of the situation for him, his wife and

25. Ulusoy, O., & Battjes, H. (2017). Situation of Readmitted Migrants and Refugees from Greece to Turkey under the EU-Turkey Statement. (Migration Law Series), p. 23- 24. [https://rechten.vu.nl/en/Images/UlusoyBattjes\\_Migration\\_Law\\_Series\\_No\\_15\\_tcm248-861076.pdf](https://rechten.vu.nl/en/Images/UlusoyBattjes_Migration_Law_Series_No_15_tcm248-861076.pdf)

three kids after having left the detention centre: “We had to sleep in the streets and parks until we found a place to rent in Izmir. We have now been in Turkey for one year and three months, but neither of us have jobs and work permits. Our family and relatives in Afghanistan help us financially.” Non-Syrian asylum seekers, including Afghan nationals, in Turkey have to wait on average several years for a decision on their case and then again several years for resettlement to their country of refuge.<sup>26</sup>

Out of a sample of 33 readmitted non-Syrians, seven have again paid smugglers to leave either Turkey or their countries of origin and are currently back in different EU member states. After their release from the Turkish detention centre, three interviewed Congolese nationals reported that they were unable to find shelter as black asylum seekers in their assigned satellite city, which is their designated residence city for the duration of their asylum application. While they had a place to stay in Istanbul, leaving their satellite city rendered them again subject to detention and deportation. After two months, all three decided to pay a smuggler to bring them first to Chios and then to the Greek mainland. At the time of the interview, two were hiding from Greek authorities in Athens and one had filed an asylum application in another EU member state.

26. During this time, asylum seekers also face access barrier to justice. An Afghan readmitted man in our sample was kidnapped by three armed men after his release from detention. His family paid 4.000 Euro for his release. When he went to the police in the presence of a legal aid organisation, the police arrested him because he had left his assigned satellite city. “Our families took money from other people to borrow. [...] The kidnapper is still contacting us on facebook to threaten us. [...] The police are also not helping us. When we go there for complaint, they arrest us and put us inside lockup.”

## Readmitted Syrians without Effective Protection and Feeling Obligated to Return to Syria

Out of a sample of ten Syrians who returned from Greece to Turkey under the statement:

- Three stayed in de-facto detention for ten months and seven left for Turkish cities (no adult was able to get hold of a work permit and two out of five adults who applied for a foreigner's ID were unable to obtain one)
- Six are currently in Turkey and four felt forced to return to Syria (including one child and one pregnant woman)

The Turkish authorities preliminarily detained readmitted Syrians upon arrival. According to the readmitted Syrians, who we interviewed, the time spent in detention can vary between 24 hours and three weeks. A Syrian man, travelling with his wife and two minor children, said that they were detained in Düziçi for twenty days without being given any information on the basis and the length of their detention, while the other two Syrians readmitted on the same return flight were released after only two days. One Syrian man described how Turkish authorities told him to go back to Syria if he objected to them opening his bags and throwing his belongings on the floor.<sup>27</sup>

Authorities have so far transferred the 216 readmitted Syrians from Adana airport to two de-facto detention centres, namely the Düziçi Temporary Accommodation Camp in Osmaniye city and the Islahiye 2 Camp in Gaziantep. Düziçi accommodates above all Syrians who have had public order issues in Turkey, including petty crimes and attempts to leave Turkey without appropriate travel documents. While formally called 'temporary accommodation centres,' both serve as de-facto detention centres in which Syrians await the administration's decision on their protection status and the finalisation of related paperwork. A Council of Europe fact-finding mission found that staff at Düziçi camp carried handcuffs and truncheons. The camp entrance was guarded by

27. While arbitrarily detained in the same manner, a readmitted family of 12 Syrians was also given the option to return to Syria. The family was not able to access legal aid and appropriate health care. Amnesty International, Syrians returned from Greece, arbitrarily detained, 19 May 2016, retrieved from: <https://www.amnesty.org/en/documents/eur44/4071/2016/en/>.

security officers and the camp was surrounded by a fence topped with barbed wire.<sup>28</sup> The presence of a *de facto* detention camp and administrative detention for persons who are under the temporary protection regime in this camp has no legal basis according to the Law on Foreigners and International Protection and the Temporary Protection Regulation.<sup>29</sup>

After identification and security checks in detention, readmitted Syrians are given the option of staying in the closed camp or leaving to live by their own means in an assigned Turkish city. 177 of the 216 readmitted Syrians chose to live in cities.<sup>30</sup> Once in the city, Syrians need to register at the local offices of the Directorate General of Migration Management (DGMM) in order to receive temporary protection cards, commonly known as Kimlik. Only through registration, can Syrians legally remain in Turkey and gain access to public services granted under the temporary status such as education and healthcare.<sup>31</sup> Two readmitted Syrians said that they had not been able to register with the authorities despite repeated attempts. One of these Syrians decided to go back to Syria: "There was nothing for me in Turkey, I cannot get my Kimlik, I cannot get a work permit." The other readmitted Syrian is planning to pay a smuggler to re-enter the E.U. for the same reasons.

While Turkey introduced new regulation on refugees' access to work permits in 2011,<sup>32</sup> only 1% of all working age Syrians living in Turkey have been able to access

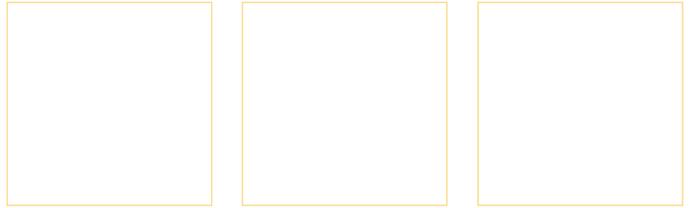
28. Boček, T., (2016), 'Report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees', retrieved from: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168069aa7f>.

29. Ulusoy, O., & Battjes, H. (2017). Situation of Readmitted Migrants and Refugees from Greece to Turkey under the EU-Turkey Statement. (Migration Law Series). Page 28-29.

30. European Commission, 06 September 2017, Seventh Report on the progress in the implementation of the EU-Turkey Statement, p. 6, retrieved from: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906\\_seventh\\_report\\_on\\_the\\_progress\\_in\\_the\\_implementation\\_of\\_the\\_eu-turkey\\_statement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906_seventh_report_on_the_progress_in_the_implementation_of_the_eu-turkey_statement_en.pdf)

31. Refugee Rights Turkey, Information Booklet on Registration and Status for Syrian Refugees and Other Persons under 'Temporary Protection,' retrieved from: [http://mhd.org.tr/assets/tp-booklet\\_eng.pdf](http://mhd.org.tr/assets/tp-booklet_eng.pdf)

32. Regulation on the Working Permits of Temporary Protection Beneficiaries. No: 8375, Date 15/01/2016 Official Gazette: <http://www.resmigazete.gov.tr/eskiler/2016/01/20160115-23.pdf>



work permits.<sup>33</sup> As a consequence, life for readmitted Syrians is precarious in Turkey. One readmitted Syrian and former accountant feeds his wife and two children by working informally as a vegetable salesman for sixteen hours every day, earning an equivalent of sixteen Euro per day. A 29-year old former dentist is unable to practice his profession and currently lives on the income of one of his brothers who as a barber works in Turkey without a permit. Another two readmitted Syrians are working informally as a waiter and barber for roughly eight Euro a day. The situation of those Syrians who under the Statement are no longer able to travel to Greece is precarious, too. According to a study based on 1,562 off-camp Syrian households in four provinces in Turkey, 93% of Syrian household live under the poverty rate due to limited employment opportunities.<sup>34</sup> In terms of access to education, only 59% of over one million Syrian children of school age are enrolled in formal education programmes.<sup>35</sup>

Because of the lack of access to work or social security, nineteen readmitted Syrians out of 216 chose to stay in the closed camps.<sup>36</sup> One Syrian man with his newly born baby explained his choice: “Single men can leave the camp, stay in shared accommodation, other people who have relative or friends in Turkey can go out of the camp and live with their help, but I didn’t have anybody.” “If I had decided to leave [the Düziçi accommodation facility], they would take our camp IDs and give us travel documents to go to a city, and we would have to make a new request for a Kimlik. In this time, I cannot access a hospital or get any medical services. My baby was just born, so I could not take the risk of losing the health care.”

33. İcduygu, A., & Diker, E., 2017, Labor Market Integration of Syrian Refugees in Turkey: From Refugees to Settlers, P. 22, retrieved from: <http://www.gam.gov.tr/files/5-2.pdf>

34. World Food Programme, June 2016, “Off-Camp Syrian Refugees in Turkey: A food security report”, p. 5 retrieved 23 October 2017 from: [http://documents.wfp.org/stellent/groups/public/documents/ena/wfp282921.pdf?\\_ga=1.195447276.1328830231.1478141578](http://documents.wfp.org/stellent/groups/public/documents/ena/wfp282921.pdf?_ga=1.195447276.1328830231.1478141578)

35. 3RP Regional Refugee and Resilience Plan 2017- 2018, Response to the Syria Crisis, Turkey, p. 41 , retrieved from: <https://reliefweb.int/report/turkey/turkey-3rp-regional-refugee-resilience-plan-2017-2018-response-syria-crisis>.

36. European Commission, 06 September 2017, Seventh Report on the progress in the implementation of the EU-Turkey Statement, p. 6, retrieved from: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906\\_seventh\\_report\\_on\\_the\\_progress\\_in\\_the\\_implementation\\_of\\_the\\_eu-turkey\\_statement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906_seventh_report_on_the_progress_in_the_implementation_of_the_eu-turkey_statement_en.pdf)



*Düziçi Camp. Source: Tomáš Boček*

The situation for readmitted Syrians in Turkey was so dire that sixteen out of 216 readmitted Syrians felt obliged to return to Syria.<sup>37</sup> A 32-year old Syrian man who returned to Idlib in February 2017 with his pregnant wife and one-year-old child said: “When we requested to go back to Syria, the [Turkish] authorities told us that if we leave Turkey now, we will not be able to go back in five or six years and maybe never. But back then, the situation in Syria looked calm, so we decided to go back. Now we are in an area controlled by Al-Qaeda and the situation is really bad.” In phone interviews in August 2017, the readmitted Syrians described how they felt trapped in Syria: “I have two possibilities: fight and get killed, or try to go out by smugglers.” “The situation in Idlib is like hell.” “We are asking the Turkish government to open the borders. Otherwise, we will be killed here.”

37. European Commission, 6 September 2017, Seventh Report on the progress in the implementation of the EU-Turkey Statement, p. 6, retrieved from: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906\\_seventh\\_report\\_on\\_the\\_progress\\_in\\_the\\_implementation\\_of\\_the\\_eu-turkey\\_statement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906_seventh_report_on_the_progress_in_the_implementation_of_the_eu-turkey_statement_en.pdf)



## Turkey is not a Safe-Third-Country for Refugees And Asylum Seekers

The EU-Turkey Statement runs a real risk of preventing refugee's access to asylum and their right to protection against *refoulement*. In the light of Turkey's disrespect for procedural safeguards and the principle of *non-refoulement*, Greece should not return asylum-seekers back to Turkey as provided under the EU-Turkey Statement. Greek authorities should instead deport appeal rights exhausted asylum seekers straight back to their countries of origin. In the absence of a halt on return operations from Greece to Turkey, the European Commission should put into place a mechanism for post-deportation monitoring by an independent organisation.

Turkey is not currently in a position either to offer effective protection to asylum seekers, or to detain and deport appeal rights exhausted individuals without violations of their human rights. At the very minimum, Turkish authorities should annul the changes introduced by Executive Decree 676 to the Law on Foreigners and International Protection, reinstate the automatic suspensive effect of appeals against removal orders and provide full and unconditional access to detention centres for human rights lawyers and independent observers. The administration must strive to render effective access to work permits, train detention centre staff in human rights and pro-actively provide legal information and legal aid in languages relevant to readmitted asylum seekers in detention centres.

On 3 March 2016, prior to the EU-Turkey Statement, there were more than 2.7 million Syrian refugees registered in Turkey.<sup>38</sup> In comparison, total asylum applications by Syrian nationals in the entire EU since the start of the Syrian Civil War was around 660,000 as of March 2016.<sup>39</sup> Consequently, the EU and EU member states should show solidarity with Turkey by resettling more refugees who have fled to Turkey and by accelerating the establishment of a Voluntary Humanitarian Admission Scheme for refugees in Turkey as foreseen by the Statement. In the absence of solidarity, Turkey might very well decide to

close its borders further. An 18-year old Afghan man described his crossing from Iran to Turkey in 2016: "While crossing the border, they tried to shoot us. [...] We were a group of 10 and 11 people. In front of us there was a larger group. They saw them and they started to shoot. [...] One of the bullets crossed the neck of my friend."

38. UNHCR Syria Regional Refugee Response Inter-agency Information Sharing Portal, retrieved from: <http://data.unhcr.org/syrianrefugees/country.php?id=224>

39. Eurostat, Asylum and first time asylum applicants, retrieved from: [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_asyappctza&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en)

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doi:10.2870/132639  
ISBN:978-92-9084-555-3  
ISSN:2467-4540