

The EU-Turkey deal: what happens to people who return to Turkey?

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People who return to Turkey under the EU-Turkey deal are detained and many risk onward deportation without access to legal aid and international protection.

On 18th March 2016, Turkey and the European Union (EU) made a joint statement. Political leaders agreed to the return to Turkey of people who had crossed to the Greek islands through irregular channels and also agreed to prevent the arrival of new asylum seekers via sea or land – in exchange for the liberalisation of EU visa requirements for Turkish citizens, financial aid, and a resettlement programme for Syrians from Turkey to the EU (based on ‘one in, one out’). The deal has been criticised by scholars and human right organisations for undermining access to fair and efficient asylum procedures. Its ability to curb irregular immigration has also been questioned.¹ Finally, no independent organisation has been tasked with monitoring the human rights situation of individuals who are returned under the deal.

People in Greece at risk of deportation

For most people in Greece who are at risk of deportation to Turkey, asylum procedures are still pending. Consequently, despite the symbolic importance of the EU-Turkey deal, by 9th January only 777 people (predominantly men) had been returned to Turkey from the Greek islands of Lesbos, Chios, Kos and Samos over nine months; the majority were Pakistanis (404), followed by Algerians (72), Afghans (64) and Syrians (42).²

Asylum seekers in Greece can be returned to Turkey in four cases: first, when they do not apply for asylum or withdraw an asylum application in Greece; second, when people on the move opt for an assisted return; third, when the asylum application has been decided upon negatively; and, fourth, when the asylum claim has been found ‘inadmissible’ on formalistic grounds in Greece – that is, on the grounds that Turkey is either a ‘safe first country of asylum’ (where

a person has been recognised as a refugee or otherwise enjoys sufficient protection) or a ‘safe third country’ (namely, that Turkey can provide protection to the returned person).

Although Greek authorities state that 39 Syrians had ‘volunteered’ to return to Turkey and that 521 non-Syrians were returned because they had not expressed a desire to apply for asylum (or had withdrawn their application), the UN Refugee Agency (UNHCR), Amnesty International, journalists and scholars have documented grave problems with people’s access to asylum in Greece. The legality of returns when an asylum claim is found to be ‘inadmissible’ is still being disputed in Greek courts. Asylum and human rights organisations have unanimously documented that Turkey should not be considered as either a safe first country of asylum or a safe third country.

With Turkey’s geographical limitation to its ratification of the 1951 Refugee Convention, Turkish law provides only temporary and weak protection for Syrian, Afghan, Pakistani and African nationals. Yet, even this is not effectively implemented and Turkey fails to respect the rights of both asylum seekers and refugees.³ Prior to the conclusion of the EU-Turkey deal, Amnesty and Human Rights Watch had furthermore provided evidence that Turkey was breaching the principle of *non-refoulement* by deporting Syrians back to Syria, shooting at Syrians who wanted to enter the country, and sending back hundreds of asylum seekers to Afghanistan, Iraq and Syria without due access to legal aid and asylum.⁴

During return operations from Greece, state officials and Frontex officers confiscate the phones of those who are returned to Turkey. Returnees under the EU-Turkey deal are therefore unable to communicate with the outside world and consequently little

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First readmissions to Turkey under the EU-Turkey deal arrive at Dikili port in Izmir province, 4th April 2016.

is known about their post-return human rights situation. Despite requests from several non-governmental organisations (NGOs), the Turkish government has not provided further information on the current status and location of people returned under the deal. From limited reporting by UNHCR, a European Parliament delegation, Human Rights Watch, Amnesty International, academic researcher Gerda Heck and several non-profit organisations in Turkey, it is clear that returnees have – among other things – struggled to access their belongings prior to return.⁵

Non-Syrians forcibly returned to Turkey

In the case of deported individuals who are not Syrian, questions arise over, firstly, their detention and lack of access to legal aid and protection in Turkey and, secondly, their onward ('secondary') deportation and *refoulement*.

Upon arrival in Turkey, police and Frontex officers transfer all non-Syrians to Turkish removal centres, primarily to the Pehlivan köy removal centre (located 50 kilometres outside the western Turkish border city of Kırklareli). After interviews

with returnees under the deal, a delegation of three European parliamentarians came to the conclusion that none of the refugees interviewed at Pehlivan köy had been given the opportunity to ask for asylum, either in Greece or in Turkey;⁶ returnees also said that they did not know what was happening to them and had received no information since their arrival in Turkey.

Despite the difficulty of gaining access to the removal centres, a Turkish NGO called the Bridging Peoples Association was able to document detention conditions in the Pehlivan köy removal centre.⁷ The doors to detainees' cells are opened only three times a day for short meal breaks. After each break, detainees are given less than an hour to exercise before they have to return to their cells. In their cells, detainees do not have access to means of communication with the outside world – no phone, TV, internet, newspapers or books.

Outside the cells, the means of communication and information are limited and mostly available only in Turkish. Moreover, returnees struggle with poor food, isolation and inadequate medical services. As the facility is run by a private

security company, detainees are often unable to access Turkish state authorities with complaints or information requests.

Access to lawyers and thus also to protection in Turkey has been patchy or wholly absent. According to Gerda Heck, a group of five Congolese asylum seekers who were deported under the deal were told by removal centre staff that they could not apply for international protection in Turkey because they had been deported from Europe. Since April 2016, Turkish human right organisations, such as Refugee Rights Turkey, Mülteci-Der and the Bridging Peoples Association, have only been able to gain very limited access to returnees. Turkish lawyers need to know the names of returnees in order to be able to visit people at Pehlivan köy. For returnees, the only communication possibility is a landline in the communal areas of their removal centre but since returnees are usually locked in their cells, it is very difficult for them to make phone calls.

The primary purpose of returnees' detention is the preparation of travel documents for onward deportation to their countries of nationality. 417 of all the individuals returned to Turkey have been deported from Turkey to their countries of origin.⁸ One Ivorian man, whose return from Greece to Turkey on 4th April 2016 was monitored by Gerda Heck, was deported onwards from Turkey on 19th May to the Ivory Coast. In Greece, Yusuf (not his real name) had registered with the Turkish police as wanting to apply for asylum but reportedly had his documents confiscated by Frontex officers prior to his deportation to Turkey; Yusuf had more access to information about protection mechanisms in Turkey than other returnees (through his contacts to a university researcher) but, nevertheless, was deported onwards by Turkey to the Ivory Coast without access to a lawyer and prior to a decision on his protection status by Turkish authorities.

A former Pakistani police officer – an acquaintance of a young Pakistani sent back under the deal – reported that young men are detained in Pakistan after their deportation from Turkey. 16 men deported from Turkey

on 22nd December 2016 were detained, then released on 2nd January 2017 after a payment of 10,000 rupees each (US\$95).

In the aftermath of the EU deal, Turkey started adding to its existing readmission agreements with various countries by opening up negotiations with Nigeria, Yemen and Pakistan. A Turkey-Pakistan readmission agreement was ratified only four days after the start of the EU-Turkey deal. The texts of these readmission agreements are not publicly available, which raises concerns about lacking legal safeguards from 'chain' refoulement.

Syrians returned

Syrian nationals who are returned to Turkey have so far been transferred to Adana, where they have been held in Düzici camp in the Turkish province of Osmaniye, 200 kilometres from Aleppo. Officially, the detention of Syrians is only for the purpose of identification and security checks. However, returnees have been detained at Düzici without being informed about the reason for and length of their detention, and without access to adequate medical treatment. Despite promises by Turkish authorities during the recruitment process in Greece that Syrian asylum seekers would be provided with identity documents within two to three days and that those with families in Turkey would be reunited with them, 12 Syrians (including four children) were arbitrarily detained for three weeks upon arrival in Turkey.⁹

For Syrian nationals detained at Düzici, access to lawyers and temporary asylum protection has been difficult. Despite amendments having been made to Turkey's Temporary Protection Regulation for Syrians, Amnesty International reported that some Syrians returned from Greece were denied access to a lawyer in Turkey and were not adequately provided with information about temporary protection in Turkey. While these returnees were released from detention and transferred to other cities in Turkey after a few weeks, the detention conditions in Düzici camp were so bad that one Syrian woman with four children asked to be returned to Syria instead.

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Monitoring returns

Besides the return of asylum seekers from Greece to Turkey, the EU-Turkey deal also paved the way for deportations of third-country nationals from other EU member states to Turkey. With no independent agency monitoring what happens, however, policymakers know little about what happens to people after forced and assisted return programmes. It is worth noting, for example, that of five monitored Congolese asylum seekers whom the EU deported to Turkey on 4th April 2016, four have found their way back into the EU. Without access to work or a permanent protection status in Turkey, these young women and men again risked their lives crossing the Aegean Sea. Evidence such as this calls into question part of the reasoning on which the EU-Turkey deal is based. Post-deportation monitoring by independent human rights organisations can help to assess the role that forced and assisted returns play in Europe's migration policies.

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The sources cited in specific endnotes are also the sources for other evidence presented in this article.

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8. European Commission (8 December 2016) *Fourth Report on the Progress made in the implementation of the EU-Turkey Statement*, p5 <http://bit.ly/AI-Turkey190516>
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Post-deportation resources

Post-Deportation Monitoring Network

www.refugeelegalaidinformation.org/post-deportation-monitoring

This project has three main goals: to protect and assist rejected asylum seekers after deportation; to document and report post-deportation human rights violations; and to use such reports to lobby governments in host countries to change their asylum policies. The project seeks to protect and assist deportees by connecting lawyers and NGOs in deporting countries with organisations in countries of origin. The network's online directory provides contact details. *If you or your organisation wish to be listed in the directory, please contact alessandra.dicaldo@gmail.com and provide a brief description of the support you can provide to deportees.*

Deportation Global Information Project

<http://postdeportation.org>

The Deportation Global Information Project (based at Boston College's Center for Human Rights and International Justice) gathers and makes accessible data and research regarding deportation and the challenges faced by deported and expelled persons and their families. Resources include academic research from a variety of disciplines (law, social sciences, psychology, etc) and reports issued by governments, NGOs, intergovernmental organisations and the media. *To submit papers or reports for inclusion, use the Submit Info tab on the website. Please send any feedback to pdhrp@bc.edu.*