



EuroMed Rights  
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الأورو-متوسطية للحقوق

# *Return Mania. Mapping Policies and Practices in the EuroMed Region*



## Chapter 7

### Turkey's return policies to Syria & their impacts on migrants and refugees' human rights

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## Acknowledgment

This chapter is part of a wider research work, coordinated by EuroMed Rights, which aims at providing an overview of the current return policies and practices in the Euro-Mediterranean region by sharing testimonies and examples of these policies. It highlights the similar trends adopted across the region and sheds light on the violations of human rights entailed by this “return obsession” and which is shared across Member States, EU institutions and third countries alike.

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## Executive Summary

This chapter focuses on policies implemented by Turkey to return Syrian nationals. It examines both the legal framework and practices regarding repatriation, including “voluntary” and forced returns. It also investigates the process in which returns occur as well as the experiences and consequences for refugees.

The report underlines the following key findings:

- The Turkish Government seeks ways to encourage Syrians to return due to the increasing political instrumentalisation of refugee policies. However, the strategy of the political authorities in Turkey regarding the timing, scope and volume of a possible mass repatriation remains highly unpredictable.
- In the last few years mounting problems arose regarding the exploitation of Syrians in the informal labour market, growing anti-Syrian stances in local communities and return campaigns which forced some Syrians to return.
- The Turkish administration has enormous discretionary powers when it comes to deciding what actions to take- or not - when implementing asylum laws. This includes the forced returns of foreigners.
- The legal basis of forced returns is complex and ambiguous. It includes a broad list of exceptions and derogations from the principle of non-refoulement.
- The common alleged reasons for forced returns include the cancellation of the temporary protection status due to registration-related problems. Syrian nationals are often accused of “threatening public order, security and having a link to terrorism”. However, these grounds are very loosely defined and arbitrarily implemented.
- Turkish state officers use unlawful techniques to force the signature on “voluntary” return forms in order to manipulate, deny and block appeals that question the voluntariness of returns and the violation of the *non-refoulement* principle.

These findings are drawn from extensive desk research and analysis of the scholarly literature, legislative documents, as well as reports of international organisations, civil society, and media in English and Turkish. The findings also rely on fieldwork conducted from October to December 2020: 21 interviews, among them 7 individuals returned to Syria (3 forcibly returned, 4 voluntarily returned to Northern Syria) as well as 14 stakeholder interviews with lawyers, national and international human rights advocacy groups, humanitarian organisations and scholars. The study provides recommendations for international aid providers, the EU, UNHCR and the Turkish government based on empirical evidence.

## List of abbreviations

AI	Amnesty International
CSOs	Civil Society Organisations
DGMM	Directorate-General for Migration Management   Göç İdaresi Genel Müdürlüğü
EU	European Union
HRW	Human Rights Watch
IOM	International Organisation for Migration
I	Interview
IOs	International Organisations
LFIP	Law on Foreigners and International Protection   Yabancılar ve Uluslararası Koruma Kanunu
PDMM	Provincial Directorate of Migration Management   <i>Valilik il Göç İdaresi Müdürlüğü</i> local (provincial branches of DGMM).
PYD/YPG	Kurdish Democratic Union Party/People's Protection Units
SJAC	Syrian Justice and Accountability Center
TP	Temporary Protection
TPR	Temporary Protection Regulation   Geçici Koruma Yönetmeliği
UNHCR	United Nations High Commissioner for Refugees
YTS	Foreigners Terrorist Fighter   Yabancı terrorist savaşçı

## I- Introductory framework on Turkey's return policies

Since 2012, Ahmad<sup>1</sup> had been living in Şanlıurfa<sup>2</sup>, one of the border cities in Turkey. He was working in a small restaurant for a while with his brother. In the summer of 2018, both brothers got involved in a quarrel with a public bus driver on the way to their working place. When they went to the police station to settle the issue, they were transferred to the provincial branch of the Directorate General of Migration Management (DGMM) - the only institution responsible for governing migration issues. They were then confined in an “assembly area for three days, which was like detention”. Ahmad recalled: “in general, they treated me well, but they forced me to sign a “voluntary” return document in Gaziantep and took away my *kimlik* (temporary protection identity card). Although my family found a lawyer from an association helping refugees, the process of deportation happened very quickly; the lawyer was not able to prevent it.” In days, Ahmad found himself in Idlib and lived with the money that his refugee family in Turkey was sending. A year later, he was able to re-enter Turkey by paying smugglers.

Ahmad is only one of the 3,576,370 Syrian refugees in Turkey with temporary protection status. There are also another 100,000 Syrians with legal residency and 93,000 who have been granted citizenship in Turkey<sup>i</sup>. Besides Syrians, 581,614 displaced persons arrived in the country and officially applied for international protection from 2010 to 2019<sup>3</sup>, mainly nationals of Afghanistan, Iraq, Iran and Somalia.<sup>4</sup> In 2019, Turkey granted international protection to 5,449 applicants (72,961 in 2018)<sup>ii</sup>.

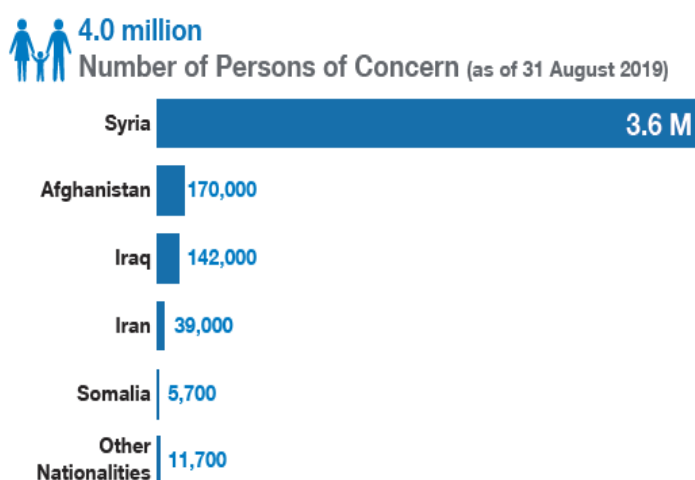


Figure 1: UNHCR figures on the number of persons of concern in Turkey<sup>5</sup>

<sup>1</sup> All names are pseudonyms.

<sup>2</sup> Şanlıurfa is a province sharing the longest border with Syria and has three official border gates in different towns of the province, namely Akçakale, Mürşitpinar, and Ceylanpinar. It has become an important site for the settling of Syrian refugees in Turkey since 2011. Although it is a relatively less visible and less studied province in the context of refugee research in Turkey (compared to Gaziantep), it hosts more Syrian refugees than Gaziantep. See: Mencütek Z. S. (2018), *Field-notes from a border province, Sanliurfa, Turkey*, available at: <https://respondmigration.com/blog-1/sanliurfa> (accessed 10 March 2021).

<sup>3</sup> <https://www.goc.gov.tr/uluslararasi-koruma-istatistikler>. November 2020.

<sup>4</sup> <https://www.goc.gov.tr/uluslararasi-koruma-istatistikler>. November 2020.

<sup>5</sup> Source: UNHCR (2019). “Turkey: Key Facts and Figures” August 2019, <https://data2.unhcr.org/en/documents/download/7151> [Accessed 30 November 2020].

## 1.1. Politicisation of Refugees

Turkey is a vital transit country for migrants seeking to reach Europe via the Greek islands and land routes. Between 2015 and 2020, the official statistics from the DGMM note 875,070 irregular migrants<sup>6</sup> across the country.<sup>7</sup> The majority of irregular migrants in the country are Afghans, followed by Pakistanis, Iraqis and Syrians<sup>iii</sup>. A further 1,101,030 foreign nationals holding residency permits were present in Turkey as of December 2019, including humanitarian residence permit holders. All this makes Turkey one of the largest immigration, refugee and transit countries.

Being the largest migrant group in Turkey, Syrians are mostly under the temporary protection status as they arrived in large numbers since mid-2011. Although Syrians have, in theory, access to education, health and work, they have witnessed a growing anti-refugee stance from the host population in the last few years. Both the government and main opposition parties increasingly embraced populist return 'obsession'. This obsession was particularly reflected during local election campaigns in March 2019<sup>8</sup>, which resulted in a three month-long crackdown and saw the quick deportations of thousands of irregular migrants, including Syrians. During this period, the police apprehended many migrants in Istanbul for several trivial reasons and sent them either to removal centers or refugee camps in the border regions, with the aim to forcibly return them<sup>9</sup>.

Taking into account geopolitical concerns and voters' demands, the Government is seeking possibilities to set up measures to repatriate Syrian refugees by establishing a so-called "safe zone" and "refugee cities" in Northern Syria<sup>iv</sup>. With this in mind, following the military interventions of 2016, 2018 and 2019<sup>10</sup>, the Turkish government has established humanitarian aid, security, economic and administrative structures in the areas it controls. This is mainly to create, in Syria, "an alternative local elite loyal to Ankara" against the emergence of any Kurdish self-administration areas close to its border<sup>v</sup>. They seek to keep control of a buffer zone close to the border under the sphere of influence of the Turkish military and the allied militias of the Syrian National Army.

Under these conditions, the return of refugees becomes a highly politicised and securitised issue in Turkey. The strategy of the political authorities in Turkey regarding the timing, scope and volume of a possible mass repatriation remains highly unpredictable. On the one hand, there is no doubt that return is an instrumental topic for political actors.

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<sup>6</sup> For the sake of easy reading, "irregular migrants" refers to "migrants in an irregular situation".

<sup>7</sup> <https://www.goc.gov.tr/duzensiz-goc-istatistikler>. November 2020

<sup>8</sup> Euronews. 2019. 'Ekrem İmamoğlu Suriyeli mültecilerle ilgili planını 3 adimde anlattı', 12 April 2019. <https://tr.euronews.com/2019/04/12/ekrem-imamoglu-suriyeli-multecilerle-ilgili-planini-3-adimde-anlatti-bolu-ozcan-chp>. Accessed 11 March 2021.

<sup>9</sup> AI 2019. Turkey: Sent to A War Zone: Turkey's Illegal Deportations of Syrian Refugees. 25 October. <https://www.amnesty.org/en/documents/eur44/1102/2019/en/>, accessed 29.11.2020;

HRW (2019) Turkey: Syrians Being Deported to Danger, 24 October. <https://www.hrw.org/news/2019/10/24/turkey-syrians-being-deported-danger>. Accessed 29.11.2020.

<sup>10</sup> See e.g. 'Operation Peace Spring', launched on 9 October 2019; the 'Euphrates Shield' (2016-2017) and 'Olive Branch' (2018) operations. <https://www.europarl.europa.eu/EPRS/EPRS-Briefing-642284-Turkeys-military-operation-Syria-FINAL.pdf>. See also <https://academic.oup.com/jrs/advance-article/doi/10.1093/jrs/feaa121/6104112?searchresult=1>, and Zeynep Sahin Mencutek, 2021 Governing practices and strategic narratives for the Syrian refugee returns", *Journal of Refugee Studies*, early view, feaa121, <https://doi.org/10.1093/jrs/feaa121>



At the same time, the international community (mainly the EU) strategically prefers remaining silent towards Turkey's rhetoric and actions about returns and its interventions in Northern Syria<sup>11</sup>. However, as many civil society organisations have pointed out, on the other hand, the conditions inside Syria have not yet proved conducive for sustainable, safe and dignified returns. Bombings by armed factions are ongoing as well as the destruction of civilian infrastructures and the killing of civilians<sup>vi</sup>. Political persecution and arbitrary arrests continue and there are still limitations in the access to functioning services (health, education, energy) and dire livelihood opportunities<sup>vii</sup>.

One signal of the high politicisation of the return issue is represented by the highly contradictory numbers and terminology that the Government and its bureaucracy insistently disseminate. The Turkish migration agency (DGMM) reported that around 364,663 Syrians had voluntarily returned as of October 2019,<sup>12</sup> and the Minister of Interior noted in a speech in 2020 that there had been 414,061 "voluntary" returns to Syria.<sup>13</sup>

It cannot be denied that some of these returns are decided by Syrian nationals themselves and based on personal motivations, belief in the normalisation of the situation in Syria, or because of limited opportunities in Turkey due to the deteriorating living conditions, poverty, and the rise in the rate of discriminatory acts.

Besides some "voluntary" returns, coerced "voluntary" returns occur too. Given the lack of official data, the numbers of forcibly returned Syrians reported by human rights organisations range from a few hundred<sup>viii</sup> to 6000 for 2019<sup>ix</sup>. One senior Turkish lawyer, who works for a civil society organisation (CSO) estimates that 20 to 25% of "voluntary" returns might be forced returns<sup>14</sup>. The Syrian Justice and Accountability Center (SJAC) reported 63,000 deportations in 2019 via Bab Al-Hawa border crossing near Antakya and 16,000 removals in 2020<sup>x</sup>. The SJAC's number is higher than other sources as it includes several categories of people. Firstly, individuals who illegally entered Turkey (possibly pushed back), secondly individuals who committed minor crimes or misdemeanours (forced to sign "voluntary" return forms), and thirdly individuals who returned voluntarily<sup>xi</sup>. The current numbers are based on estimated figures<sup>xii</sup> and only cover the period 2018-2020. When asked about the possible deportation of Syrians, the Ministry of Interior and DGMM representatives fully deny, saying that "there is no deportation of any Syrians. We do not have the right nor the capacity to do this. We have neither a system nor a practice in this regard."<sup>xiii</sup> And this is despite numerous claims from human rights groups<sup>xiii</sup>.

## 1.2. Other Groups Forcibly Returned

Syrians are not the only ones subject to forced returns: irregular migrants and rejected asylum seekers, including Afghans, Iranians, Iraqis, Uzbeks and others, are also subject to it (numbers and terminology are conflictual on this issue)<sup>xiv</sup>, also due to the numerous readmission agreements signed by this country with its more or less close neighbours.

<sup>11</sup> See for instance, EU's failure to criticise Syrian refugees' return, here: [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS\\_BR\(2020\)649327](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BR(2020)649327). See also Human Rights Watch's call to the EU to take action about forced returns, here: <https://www.hrw.org/news/2019/11/07/repatriation-syrians-turkey-needs-eu-action>.

<sup>12</sup> <https://www.goc.gov.tr/uluslararasi-af-orgutunun-suriyelilerin-hukuka-aykiri-olarak-sinir-disi-edildi-iddiasina-iliskin-basin-aciklamasi>

<sup>13</sup> <https://www.trthaber.com/haber/gundem/bakan-soylu-414-bin-61-suriyeli-gonullu-olarak-ulkesine-dondu-523516.html>

<sup>14</sup> Interview, civil society organisation (CSO) representative, 10 Dec. 2020, Istanbul.

In 2018, according to international reports, “31,000 Afghan nationals were reportedly deported from Turkey”<sup>xv</sup>. In 2019, “at least 22,000 **Afghans** were also deported.”<sup>xvi</sup>. According to the EU figures, Turkey returned 96,201 irregular migrants throughout 2019, among them reportedly around 55,000 migrants to Afghanistan. In 2019, 2,344 people were returned from Turkey through the IOM’s assisted “voluntary” return and reintegration programmes<sup>xvii</sup>. However, Turkish sources<sup>15</sup> claim that forced returns are not recorded because migrants are forced into accepting to sign “voluntary” return forms due to the lack of other options and insufficient information, also related to the content of the “voluntary” return form, being provided in removal centers<sup>16</sup>. Despite more cases in 2019, forced returns slowed down in 2020 due to the pandemic, the exposure of unlawful practices in signing “voluntary” return forms, and small interventions by the judiciary (Constitutional Court decisions) to overcome administrative barriers<sup>xviii</sup>.

### 1.3. [Legal Justification for Forced Returns](#)

The ambiguous Turkish asylum legislation has a long list of possible grounds for *refoulement*, cancellation of temporary protection status and restricting the asylum seekers’ legal stay in the country, as explained in the following chapters. The most common legal justification for Syrians facing forced returns is to be considered as a danger to national security, public order or public security. These are all defined very loosely, and decisions are under the Administration’s broad discretionary powers (Governorate, DGMM, PDMMs). Profiling, detention and return procedures lack transparency and clear guidelines, as they rely on *ad-hoc* internal orders of the Administration. Practitioners and human rights defenders observe unlawful practices such as the use of force and threat during custody, lengthy administrative detention and forcibly signed “voluntary” return forms. There are barriers to seeking justice via appeals and rapid deportations before courts can finalise decisions, while the options to challenge procedures in practice are limited.

### 1.4. [Lack of checks and balances and the role of civil society](#)

There is no systematic and independent monitoring mechanism for the pre-return phase, the actual returning process and the post-return phase. Testimonies of returnees provide evidence of the lack of safety and the lack of access to essential services and livelihoods upon return in Northern Syria. Many returnees attempt to re-enter Turkey but face high smuggling prices which often result in further precarity and vulnerability.

In this context, civil society organisations working on asylum issues play a vital role in exposing arbitrary practice and rights violations. They provide both awareness-raising activities for lawyers and refugees as well as offering legal aid. However, they have limited capacity and cannot monitor forced returns. They cannot publicly counter the return obsession in the political discourse as civil society in Turkey is under severe repression and pressure of the growing authoritarian practices, following the reactions to the failed coup of 2016.

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<sup>15</sup> Turkish sources refer to news, interviews and civil society reports written/spoken in Turkish.

<sup>16</sup> Interview, CSOs, 08 Dec. 2020, Istanbul; Interview, lawyer, 10 Dec. 2020, Istanbul.

They are not allowed to exercise their right to freedom of speech freely or to take collective action such as protesting. Worryingly, the space available for civil society has been shrinking, and it is under the radar of the political regime and judiciary.

## II- National Legal Framework For Refugee Protection, Returns and Forced Returns

### 2.1. Law on Foreigners and International Protection

The Turkish asylum legislation is only partially aligned with international law and EU *acquis*. The primary legislation, the Law on Foreigners and International Protection (LFIP) <sup>xix</sup>, maintained Turkey's geographical Reservation over the 1951 Refugee Convention and its 1967 Protocol<sup>xx</sup>. The reservation implies that only a person who arrives from European countries to Turkey is eligible for refugee status, others (in fact all potential asylum seekers) may be subject to conditional, subsidiary and temporary protection as noted in Figure 2.

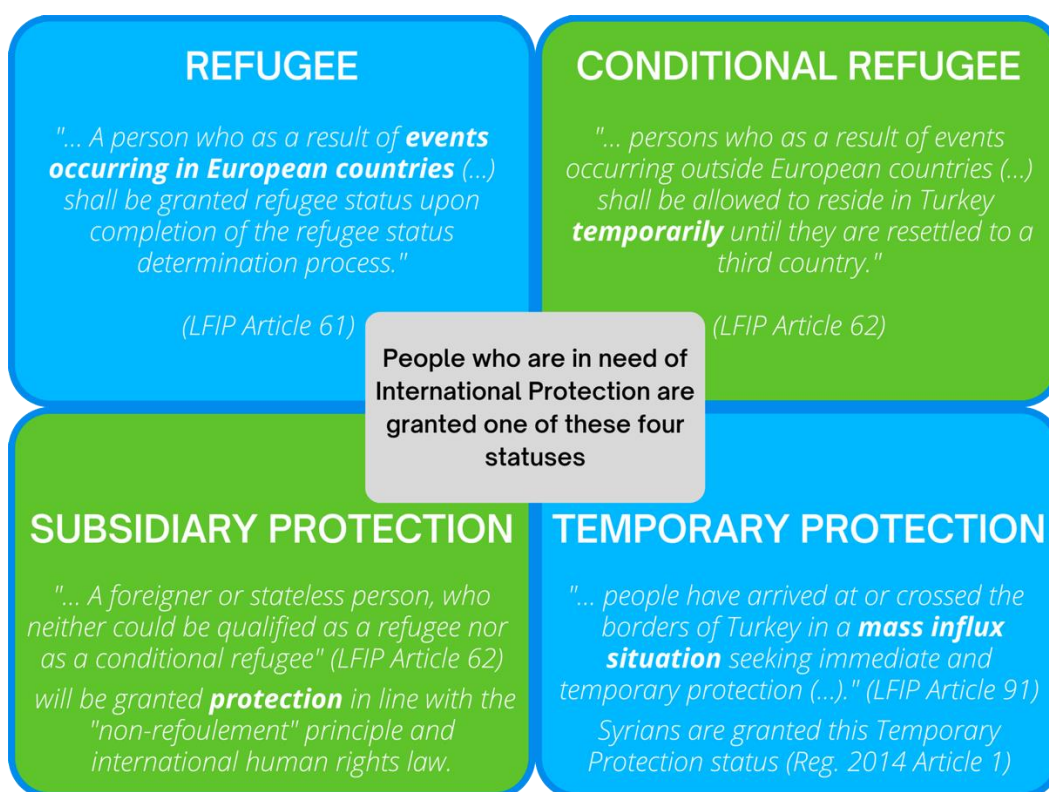


Figure 2:. Different International Protection Statuses in Turkey

The DGMM, which was created under the LFIP, decides whether to accept or reject asylum applications. Operationally, the DGMM has a branch in each province, known as the Provincial Directorate of Migration Management (PDMM, *il Göç İdaresi*). The DGMM is an implementing migration agency, under the Ministry of Interior (MoI), while, like other public offices, the PDMMs are placed under the Provincial Governorate,. Neither DGMM nor PDMMs have authority regarding the design of migration policy, they are required to follow up on and coordinate policies determined by the Presidency.<sup>17</sup>

From 2011 to 2014, the Turkish Government's initial *ad hoc* response towards the mass arrival of Syrians was based on open-door policies. However, Syrians' protracted stay and fast-growing numbers led the Government to consider more regulative and restrictive refugee policies in 2014 with a stronger focus on temporality<sup>xxi</sup>.

## 2.2. The Temporary Protection Regulation (TPR)

The Temporary Protection Regulation (TPR)<sup>18</sup> came into force on 22 October 2014 and regularised the status of Syrians nationals in the country.

The main pillars of the temporary protection (TP) include the principles of not punishing irregular entry and stay (Art 5), *non-refoulement* (Art.6), admission to the country (Art. 17), and registration (Art. 21). In 2014, temporary protection was granted to all Syrians who had fled to Turkey since 28 April 2011. Upon their registration to the PDMM's referral centres, Syrians were given temporary protection identity numbers and cards, known as *kimlik*. Temporary protection beneficiaries do not have a right to apply for international protection, and thus do not get the refugee status or resettlement options (except from specific arrangements or one-to-one formula or quotas)<sup>19</sup>. The temporary protection status enables the free access to the basic services, including health (Art. 27), education (Art. 28), social assistance and labour market (Art.29).

The two primary pieces of legislation set out the framework for foreigners' return, including Syrians: the Law on Foreigners and International Protection (LFIP) (2013) and the TPR (2014). Several pieces of secondary law (decrees, internal orders, etc.) and judiciary sample decisions guide return practices. The LFIP (2013) recognises the *non-refoulement* principle as follows:

No one within the scope of this Law shall be returned to a place where he or she may be subject to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion (LFIP, Art 4(1), 2013:3).

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<sup>17</sup>Presidential Decree # 4, 15/7/2018 – 30479, <https://www.mevzuat.gov.tr/MevzuatMetin/19.5.4.pdf>.

<sup>18</sup> Inspired by the 2001 EU directive<sup>[9]</sup> (EC 2001) on Temporary Protection and referred to in the 2013 Law on Foreigners and International Protection, (LFIP, Article 91)—

<sup>19</sup> From 2014 to 2020, only 16,561 were resettled to Canada, the US, the UK, Norway. through the one-to-one formula resettlement to EU countries, between April 2016 and June 2020, 26,835 Syrian refugees were resettled from Turkey to the EU, of whom more than 7,000 in 2019. (EC 2020). [https://www.avrupa.info.tr/sites/default/files/2020-12/turkey\\_report\\_2020\\_0.pdf](https://www.avrupa.info.tr/sites/default/files/2020-12/turkey_report_2020_0.pdf).

However, the TPR<sup>20</sup> carries the risk of mass repatriation. The Presidency has a right to decide, limit the scope and terminate the temporary protection regime at any moment.<sup>21</sup> The Law does not specify when or under which conditions the Presidency may propose to revoke the temporary protection. It does not require meeting the “safe country” criteria or the presence of a repatriation agreement. The TPR reflects a flexible approach concerning what will be implemented along with the possible revocation of the temporary protection regime. Under Article 11: 4-5, the TPR 2014, sets out three possible decisions:

- a) To fully suspend the temporary protection and to return persons benefiting from temporary protection to their countries;
- b) To collectively grant the status to people satisfying the conditions for the temporary protection, or to assess the applications of those who applied for international protection on an individual basis;
- c) To allow persons benefiting from temporary protection to stay in Turkey subject to conditions to be determined within the scope of the.

The TPR provides that the “temporary protection decision shall be taken by the President upon the Ministry's proposal” (Article 9, TPR 2014<sup>22</sup>). The content of the decision may determine the duration of the temporary protection and the conditions for extending and ending it (Article 10, TPR 2014<sup>23</sup>). Several experts interviewed for this research pointed to the conclusion that the TPR already provides legal ground to legitimise possible mass repatriation by the Presidency. The forced return of persons benefiting from temporary protection is however also very complicated from a legal perspective. Due to the *non-refoulement* principle in the LFIP, temporary protection holders should not be sent back to Syria under any conditions. However, the only legal basis for Syrians to be allowed to stay in the country is the temporary protection status and temporary protection IDs. Otherwise, they fall into irregularity. The Administration has a right to revoke the temporary protection status of a person if the person leaves Turkey, benefits from the protection of a third country, is admitted or resettled to a third country for humanitarian reasons, leaves for a third country or is deceased (TPR 2014, article 12: 5). Besides these reasons, the TPR provides also a long list of grounds for exclusion, legitimising the rejection or cancellation of status applications for Syrian nationals<sup>24</sup>.

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<sup>20</sup> TPR Article 8 Foreigners who will not be covered under the scope of temporary protection; Article 9 Taking temporary protection decision; Article 11 Termination of temporary protection; Article 12 Individual termination or cancellation of temporary protection.

<sup>21</sup> Presidential Decree No 4 of 15 July 2018.

<sup>22</sup> Article 9 reads: “Temporary protection decisions shall be taken by the President upon the Ministry's proposal”.

<sup>23</sup> Article 10 reads as follows: “(1) The President shall be authorised to determine the following in its temporary protection decision: a) Persons who will be covered under temporary protection; b) Effective date of temporary protection and its duration if considered necessary; c) Conditions for extending and ending of temporary protection”.

<sup>24</sup> These grounds cover the following: persons who “have been guilty of acts defined in Article 1F of the 1951 Convention; have engaged in acts of cruelty, for whatever rationale, before arrival in Turkey; have participated in armed conflict in the country of origin; have not permanently ceased armed activities after arrival in Turkey; have engaged, planned or participated in terrorist activities; persons, who prior to their arrival in Turkey, committed crimes that would be punishable with a prison sentence in Turkey, and have left the country of origin or residence in order to avoid punishment; have been convicted of crimes against humanity by international courts; have committed crimes related to state secrets and espionage”. (TPR 2014, Art. 8(1))

The legal grounds for revoking the temporary protection and other protection status were broadened in 2016. An emergency decree introduced a derogation to the principle of non-refoulement in the event the person was a threat to public order, public security or linked to terrorism<sup>25</sup>. The Law No 7070 consolidated the derogation in February 2018<sup>xxii</sup>.

### *14 reasons for “removal”*

The TPR does not have a specific article on deportation (officially called “removal” in Turkish legislation) but refers to the Article 54 (1) of the LFIP which lists 14 reasons.

#### **LFIP, 2013, Art. 54<sup>26</sup>**

*(1) A removal decision shall be issued in respect of those foreigners listed below who/whose:*

- a) are deemed to be removed pursuant to Article 559 of the Turkish Penal Code No 5237;
- b) are leaders, members or supporters of a terrorist organisation or a benefit oriented criminal organisation;
- c) submit untrue information and false documents during the entry, visa and residence permit actions;
- ç) made their living from illegitimate means during their stay in Turkey;
- d) pose a public order or public security or public health threat;
- e) has overstayed their visa or the visa exemption period for more than ten days or, whose visas are cancelled;
- f) residence permits are cancelled;
- g) overstayed the expiry date of the duration of their residence permit for more ten days without an acceptable reason;
- ğ) are determined to be working without a work permit;
- h) breach the terms and conditions for legal entry into or exit from Turkey;
- ı) are determined to have entered into Turkey despite an entry ban to Turkey;
- i) international protection claim has been refused; are excluded from international protection; application is considered inadmissible; has withdrawn the application or the application is considered withdrawn; international protection status has ended or has been cancelled, provided that pursuant to the other provisions set out in this Law they no longer have the right of stay in Turkey after the final decision.
- j) fail to leave Turkey within ten days in cases where their residence permit renewal application has been refused.
- k) (Annex: 3/10/2016-KHK-676/36 article) are evaluated as being associated with terrorist organizations which have been defined by international institutions and organizations.

<sup>25</sup> Article 54(2) LFIP, as amended by Article 36 Emergency Decree 676 of 29 October 2016. The provision cites Article 54(1)(b), (d) and (k) LFIP, the latter inserted by Emergency Decree 676. <https://www.resmigazete.gov.tr/eskiler/2016/10/20161029-4.htm>. Law No 7070, 1 February 2018 on the regulation of emergency provisions, is available at: <http://bit.ly/2S5DZzL> (TR).

<sup>26</sup> Official English translation from: <https://www.refworld.org/docid/5a1d828f4.html>, p. 19 (accessed 11 March 2021).

The Administration can base its decision upon one of these 14 reasons. As explained in an interview:

*“Sometimes, the reason for the cancellation of temporary status might have been the reason for deportation, such as being a threat to public order and public security. These are both the reasons for cancelling status and subsequent removal. The decision of expulsion is taken drawing from the LFIP but not from the TPR. The cancellation of status means that this person does not have a right to legally stay in Turkey. The cancellation of the status means that this person might be deported due to illegal stay in the country. The deportation decision can be executed or not”<sup>27</sup>.*

In early 2019, the DGMM introduced a new circular (2019/1) on the Cessation of Status of Syrians due to Voluntary Return. The circular states that temporary status for Syrians “may cease if they travel to Syria outside of permitted periods”. DGMM is authorised to evaluate each case individually and grant or deny renewed access to temporary protection status upon re-entry into Turkey (TPR Art. 13). Provision of misleading information to DGMM is another ground for cancellation of temporary status. Although all these grounds require judicial assessment, the Administration has the primary responsibility to carry out and finalise the reviews of temporary status exclusions, revoking, re-issuing status and to inform the persons concerned about the decisions.

## III- Causes of “Spontaneous” Forced Returns

### 3.1. Poverty, Lack of Social Assistance, and Labour Rights

Although Turkey does not have an official, national integration policy, programmes are implemented by many national and international actors<sup>xxiii</sup>. Most programmes focus on education and health<sup>xxiv</sup>, as Syrians have free and broad access to these services<sup>xxv</sup>. Despite Syrians having the right to work, obtaining permits is possible with the willingness of the employers, who, however, are reluctant to apply for permits, thus leaving many Syrians without formal work permits<sup>28</sup>. Despite these programmes, Syrians face precarity and vulnerability in their daily lives, notably poverty, lack of social assistance, and unemployment<sup>xxvi</sup>. Out of 3.6 million Syrians, around 1.5 million receive a small amount of monthly cash assistance (around 10-12 euros) on their debit cards.<sup>29</sup>

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<sup>27</sup> Interview, lawyer, 4 Dec. 2020, Gaziantep.

<sup>28</sup> Only 16,783 and 65,000 work permits were granted to Syrians in 2018 and 2019, respectively. See: Barthoma et al. 2020, p. 20 available at <https://respondmigration.com/wp-blog/integration-policies-trends-problems-challenges-integrated-report-9-country-cases>.

<sup>29</sup> This programme, called Emergency Social Safety Net (ESSN) is funded by the European Union, in cooperation with World Food Programme, the Turkish Red Crescent and the Turkish Government. See: ESSN 2019 <https://docs.wfp.org/api/documents/WFP-0000104792/download/>. and ESSN 2020 [https://ec.europa.eu/echo/essn\\_en](https://ec.europa.eu/echo/essn_en).



Under these conditions, shutting down refugee camps located in border provinces (where the most vulnerable are located) forced refugees to return. The authorities gave them the options of either returning to Syria or going into the cities.

*“When camps were closed down in 2017, 2018 and 2019, there were campaigns for returns. The refugees who had been staying in the camps were those who were unable to work in cities. They were aware that they would not be able to survive outside the camps. Thus, they accepted the financial aid given to them, signed “voluntary” return forms and left for Syria. However, now that they spent this limited financial aid in Syria, they have been trying to re-enter Turkey via illegal routes, often paying smugglers”<sup>30</sup>.*

Most of the Syrian refugee population (97,5%) lives in urban areas. Over two million are of working age. Most of them rely on daily incomes from precarious jobs in the informal labour market. Approximately one million Syrian refugees are employed, 95% informally<sup>xxvii</sup>. They face hardships in working places due to labour law violations, including exploitation, low wages, long working hours, and refusal to pay salaries<sup>xxviii</sup>. There is no requirement for minimum wage, pension, paid overtime hours or unemployment benefits.

*“I was working in construction and employers did not pay me a fair wage. No doubt that being Syrian means to start from a disadvantaged position, thus we encounter job discrimination”. (Mahdi’s testimony, who returned to Syria in 2019)*

Mahdi also mentioned some pulling factors in Northern Syria:

*“we have properties, farms and houses in Syria. We, as a family, heard that if none of us are present in Syria, our properties would be seized by the armed groups or “entities”. My real reason for returning was to protect my family’s properties”.*

Another interviewee, Mohammed, linked his decision to return in 2020 to Turkey's hard working conditions and his caring responsibilities:

*“In Turkey, my working hours were too long. I did not have any pension. I did not have any rights. After the pandemic started, I was not able to find any job. The rent prices were too high. Electricity and water bills were high also, almost at the same level of rent. Unlike the first years, we were not able to get aid from humanitarian organisations. Moreover, my sick father in Syria passed away. My mother and siblings remained alone. I had to return due to all these reasons”.*

As Mohammed said, the COVID-19 pandemic and its consequences have disproportionately affected Turkey's displaced communities<sup>xxix</sup>. The pandemic deepened the economic recession, increased unemployment, caused job closures in informal sectors and raised inflation rates as well as the cost of shelter and food. Like poor Turkish citizens, many Syrians faced the risk of not accessing adequate income to live in dignity<sup>xxx</sup>.

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<sup>30</sup> Interview, civil society representative, 1 December 2020.



The pandemic worsened the already growing challenges in having access to health, education, housing, basic needs and informal employment. Syrians who returned in 2020 explain how the pandemic, through its lack of opportunity, forced them to make this choice.

*“During the pandemic, I lost my job. I had been working as a car washer. I had been making daily earnings. Then, things happened. I decided to return because of unemployment, my accumulated unpaid rent, electricity bills, failing to buy proper clothing for myself and my children. However, we do not have any hope for the future in Syria”. (Abdullah’s testimony)*

A Syrian humanitarian predicts that:

*“More Syrians, particularly those owning land would be returning in the coming months because of pandemic-related restricted job opportunities in Turkey. Also, life in Syria is cheaper than Turkey, even in war conditions. They would return to low-risk areas, such as those under Turkey’s control. But safety (undermined by car bombings and snipers) is still a severe challenge inside Syria”<sup>31</sup>.*

### 3.2. Hate speech, discrimination and resentment

Besides economic pressures, the local communities' initial welcoming approach to Syrians turned into hate speech, discrimination and resentment<sup>32 xxxi</sup>. As elsewhere, refugees are blamed for unemployment, rent inflation, pressure over health and education infrastructures, changes in urban market spaces, rise in petty crimes or employee-employer quarrels. In this context, the government and the main opposition party emphasise the discourse on return since 2018<sup>xxxii</sup> while anti-immigrant stances populate social media platforms<sup>xxxiii</sup>.

As the IHD reports, “discrimination suffered in official institutions, hate speech, and the lack of feasible solutions offered by the state to bridge the language barrier also play an important role in this downward spiral.”<sup>xxxiv</sup>. Testimonies of hate crimes against Syrian nationals reported in the media are on the rise. At least four Syrians were killed, and 20 were injured<sup>33</sup> as part of hate crimes in the first nine months of 2020<sup>xxxv</sup>. Retaliations also take place against other Syrian nationals’ houses, businesses or cars when a crime is allegedly committed by a Syrian.<sup>34</sup>

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<sup>31</sup> Interview, 10 Dec. 2020, Gaziantep.

<sup>32</sup> According to the comprehensive survey Syrian Barometer prepared by Murat Erdoğan, 81.8% of Turkish society is unsympathetic to the idea of coexistence with Syrians and support the following solutions to varying degrees: “Syrians living in safe zones inside Syria” (37.4%); “leaving them in the camps” (28.1%); “deporting them” (11.5%); and “establishing a Syrian-exclusive city” (4.8%) (Erdoğan, 2018).

<sup>33</sup> To see media accounts on hate crimes costing life of Syrians (often male and young) <https://www.evrensel.net/haber/410688/irkci-saldirinin-adresi-bu-kez-kucukcekmece>; <https://www.evrensel.net/haber/413966/samsunda-oldurulen-hammaminin-ailesi-o-hepinizin-kardesi-adalet-istiyoruz?a=ad7>;

<sup>34</sup> For tensions in Adana, 2019 see [https://www.ihd.org.tr/wp-content/uploads/2019/09/20190919\\_AdanaSube\\_SuriyelilereSaldirilar.pdf](https://www.ihd.org.tr/wp-content/uploads/2019/09/20190919_AdanaSube_SuriyelilereSaldirilar.pdf). For tensions in İstanbul see, <https://www.ihd.org.tr/istanbul-kucukcekmece-kanarya-mahallesinde-5-yasindaki-bir-cocuga-istismarda-bulunulmasi-ile-ardindan-gelisen-olaylara-iliskin-inceleme-ve-gozlem-raporu/>. For tensions in Sanliurfa 2018 see Zeynep Sahin Mencutek, “Faith-Based Actors in Şanlıurfa, Turkey: Reducing Tensions Between Host Populations and Syrian Refugee Communities”, *Civil Society Review*, 4:1, pp.76-198, July 2020.

Hitam's case illustrates how vulnerability in the informal working sector, public hate speech and discrimination in official institutions might cause the swift forced return of many Syrians:

*"I got involved in a quarrel. I was working for a restaurant with two other Syrians. Every week, the business owner cut money out of our weekly wage, although we did our job very well. I only asked for my salary; this was my right. I started to discuss with him; he began to humiliate and insult us. Then I could not tolerate more and threw the piece of wood in my hand at him. As a result, I found myself in the police station, then imprisoned for one and a half years. I was given an acquittal decision, but I was deported".*

Ahmad's testimony also illustrates the discrimination and hate attacks targeting Syrians and the severe consequences of forced returns:

*"My brother and I got on the public bus, but there was not enough credit in our transportation card, only 50 kuruş (cent) less than the necessary amount. We told the driver that we would put a credit at the last station, but the driver provoked us, asked us to get off the bus. My brother reacted. The driver pushed me, I fell, and hurt my hand. Then, my brother attacked the driver; we fought. Then I went to the hospital, took an X-ray and the doctor made a report. I made my way to the police station to complain about the bus driver. In the police station, I turned into a suspect, although the bus driver did not complain".*

These incidents, deportation threats, unjust removal and administrative detention sentences, force many Syrians to abstain from taking action and bringing their cases in front of the Courts.<sup>[35]</sup> Civil society organisations and the media report that the state authorities tend to defend citizens at the expenses of Syrian nationals.<sup>36</sup> Syrians are concerned that their informal employment may lead to their forced returns even before investigations or trials have been concluded; but they feel obliged to remain silent<sup>37</sup>. In some regions, employers commonly use the threat of police complaints and forced returns to avoid offering proper payment to Syrian workers, particularly the agricultural seasonal workers, making them the most vulnerable. The emergence of right-based grassroots movements among Syrians seems impossible in the increasing authoritarian environment if they do not align their discourse with the government<sup>xxxvi</sup>. Like Turkish citizens, Syrians cannot enjoy their right to freedom of assembly nor organise demonstrations against any act of the Government. They have to get permits from the Governorates to issue press releases, organise meetings or protests<sup>xxxvii</sup>. Such conditions entice government officials to forcibly return as many foreigners as possible.

<sup>35</sup> Many of the violations and hate crimes/attacks are not recorded due to this fear, but it has been rising at an alarming level (IHD 2020a). Journalists who report such hate crimes are under threat, 12 of them were arrested or detained in 2020. The same pressure is also exerted on lawyers and human rights defenders, one lawyer who provided legal support to refugees was obstructed from providing services (IHD 2020a).

<sup>36</sup> See <https://www.ihd.org.tr/adanada-polisin-dur-ihtarina-uymadigi-gerekcesiyle-vurulan-ali-hemdan-hakkinda-ozel-ortak-rapor/>; <https://www.evrensel.net/haber/415018/bahcelievlerde-darbettikleri-suriyeliyi-7-metreten-atan-gaspcilar-serbest-birakildi>.

<sup>37</sup> Interview, lawyer, 4 Dec. 2020, Gaziantep; Interview, CSO, 8 Dec. 2020, Istanbul.

### 3.3. [Local Initiatives Encouraging Returns](#)

Local initiatives, both formal (from municipalities or humanitarian organisations) and informal (Syrian grassroots initiatives) also encourage Syrian families to return to Northern Syria. One technique used in 2018-2019 was the organisation of municipal campaigns such as in Esenyurt, Istanbul in 2018.

The municipal authorities organised a return campaign, which included 30 trips to the Syrian border to support the return of 3,724 Syrians. For 2019, the municipality had a return target of 25,000 Syrians<sup>xxxviii</sup>. It is not clear whether the numbers were reached or not. After arrival at the border, returnees are assisted by Turkish agencies working inside Syria, who escort returnees under Turkey's military control to Syrian cities. According to sources familiar with the border, informal initiatives launched by Syrian and Turkish cultural brokers are multiplying. They seek to convince families in Turkey to return to Northern Syria where Turkish forces operate. The pro-government media in Turkey widely assert that Syrian cities under Turkey's control are safe places for return.

## IV- Main Grounds For Forced Returns In Practice

Human right advocacy organisations provide details about common grounds of forced returns as noted in the HRW 2019 report:

*“Syrians said that police or immigration officials told them they were being detained for a variety of reasons, including that they did not possess protection permits [TP cards], that their permits had expired or contained clerical errors, that their permits were registered outside Istanbul, that they lacked work permits, or because of disputes with neighbours. Eleven of those interviewed were registered, and four were unregistered” (HRW, 2019).*

The Administration has multiples manoeuvres to forcibly return those who should not be returned to Syria. The alleged reasons used by authorities can be examined under the four following categories:

- registration-related problems;
- accusation for threatening public order or security;
- terrorism-related charges;
- and, compulsory signatures of return forms and loss of protection status.

The standard practice is that the person is apprehended during a police check, s/he is detained, s/he is forced to sign a “voluntary” return form under stress, and his/her temporary protection status is revoked.

#### 4.1. Registration-related problems and the cancellation of temporary protection status of Syrians

The first group of forced returnees is composed of Syrians having problems with their official registration and their temporary protection cards. The PDMMs collect biometric information, including fingerprints, during registration or updates and store them in their Goc-net database: a digital identity system only available to DGMM staff. Some Syrians are not registered on this system (for instance if they have an intention of migrating further) or have not updated their registrations.

Losing the official temporary protection status and the lack of active registration may turn into a justification for apprehension, detention and deportation. Young male Syrians are the main targets: they are randomly stopped by plainclothes police officers who check the ID numbers from the digital identity database to determine whether it is still active.

Another problem related to registration involves Syrians who were first registered in a province other than where they were caught by police and/or detained. Indeed, Syrians in Turkey do not have full freedom of movement, until 2016 they could choose where to settle, but now they are no longer allowed to move or travel to any other province than the one where they first registered. This is an issue as those regions often offer less job opportunities than bigger cities such as Istanbul or Antalya.

- ⇒ Should they have or wish to travel, Syrian nationals have to secure a travel permit from the PDMM. If they plan to move, they have to prove it is a required movement for health, education and family unification reasons and they are obliged to change their address immediately. Those who moved without permits encountered problems in registering new provinces and accessing health and education services. They also face the risk of losing their temporary protection status or being forcibly relocated to the province they were registered in. Since late 2017, Istanbul and border provinces (Antakya, Gaziantep) suspended registration to deter arrivals (permanently and on an ad-hoc basis, with the oral order of Governorate). ⇐

The most notable crackdown was in the summer of 2019. The Istanbul Governor gave Syrians until 20 August to return to the cities in which they were first registered. Although the Governorate extended the period, internal controls for both Syrian and non-Syrian asylum seekers became stricter. According to the lawyers interviewed, the main grounds for deporting Syrians were denial of the renewed access to registration or not being present in the registered city. Amnesty International noted it as likely that hundreds of people were deported from Istanbul and apprehended while they were working or walking down the street<sup>+xxxix</sup>. According to the lawyers and civil society organisations working on refugee rights, the summer of 2019 “*was terrible in rushing deportations, they sent full busses of people from Istanbul to border provinces, then Syria*”<sup>38</sup>.

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<sup>38</sup> Interview, CSOs, 08 Dec. 2020, Istanbul.

For many, the crackdown of 2019 was political and driven by the necessity to show to the Turkish electorate that the government was “solving the Syrian refugee problem, maintaining order and security” in Istanbul where more than a million migrants live irregularly.

- ⇒ The Presidency and Istanbul Governorate planned the crackdown without consulting the DGMM to appease the public. Syrians were used as scapegoats for the loss of Istanbul by the government party<sup>39</sup>. In Istanbul, relocations and forced returns are often justified on the apprehended migrants’ lack of registration, not carrying identification cards with them or having a role in any other city than Istanbul. This crackdown created concerns in the Syrian refugee community. ⇐

As a human rights defender said, “*the return is like a sword of Damocles hanging over Syrian refugees head, it deepens their precarity and vulnerability. These are well-grounded severe fears in the Syrian community: if they go out without an ID card, they could be stopped by the police and sent to the border*”<sup>40</sup>.

Besides registration issues, misdemeanours (such as working without a permit) creates a risk of apprehension and detention for Syrians as it violates Turkish labour law<sup>41</sup>. However, deportation cases on this ground are quite limited; often, these acts are tolerated or punished with warnings or fines<sup>41</sup>.

## 4.2. [Accusations of threatening public order](#)

Being a “threat to public security and order” is by far the most common legal ground for forcibly returning Syrian nationals according to lawyers and civil society organisations.

This threat is broadly interpreted by police and asylum authorities. It includes those involved in petty crimes (quarrels) or crimes subject to the penal code (domestic violence, drug, smuggling) and/or those who are subject to judicial investigation, court trial, or imprisonment due to any crime.

*“Even if there is no actual crime, the suspicion or a complaint is enough for removal and then deportation. If a Syrian is imprisoned for a crime, this person is kept in a removal centre after release. If the person is caught while exiting Turkey by sea or air, this person is also confined in a removal centre”*<sup>42</sup>.

Quarrels with a bus driver, an employer or a neighbour might turn into the reason for quick and unlawful relocation or deportation. Even in the absence of harm caused during quarrels, officers legitimise migrants’ forced return on the ground of threat to ‘public order’ and carry out the actual removal extremely fast to prevent any legal intervention. Interviewees mentioned that in some cases even an acquittal decision does not suspend the deportation.

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<sup>39</sup> Interview, CSOs, 11 Dec. 2020.

<sup>40</sup> Interview, CSO, 20 Nov. 2020, Gaziantep.

<sup>41</sup> Interview, lawyer, 17 Nov. 2020, Denizli.

<sup>42</sup> Interview, lawyer, 4 Dec. 2020, Gaziantep.

### 4.3. Alleged security threat or terrorism link

Syrians who are suspected of having links or having supported terrorist groups are easily and forcibly returned, even before a Court renders a final decision on the proceeding.

*“I was detained with the accusation of being a member of an extremist, radical organisation. In fact, during a legal investigation and court process, it was decided that I was innocent. I do not have any close or distant link with any terrorist organisation. Despite the decision of acquittal, I was deported. I had a regular job; I lost everything”.*

The Administration takes terror risks very seriously and develops a sophisticated but opaque system for surveillance. In addition to indicating whether the person has any court decisions and criminal proceedings, security codes (*tahdit*) are assigned to indicate multiple ‘risky’ issues. These include entry bans based on visa-residence permit violation, activities against national security, foreign terrorist fighters, threats to general security, and others<sup>xli</sup>. The codes are not based on publicly available information or legislation. They are instead governed by internal circulars and instructions within the Administration,<sup>[43]</sup> with data provided by law enforcement units, National Intelligence Organisation, PDMMs and removal centres. Even the mere complaints or social media posts are enough for profiling a person and assigning security-related codes such as “G89” for foreign terrorist fighters and “G87” for general security. Journalists and lawyers estimate that approximately 40,000 foreigners in 2016, and 100,000 in 2018 were issued such codes<sup>xlii</sup>. Syrians are the subject of these coding practices, too. Since March 2016, Syrians are obliged to do “a pre-registration phase to conduct security checks within 30 days, the modalities of which are set out in an unpublished circular”<sup>xliii</sup>.

*“Sometimes, during ID checks, the police notice the YTS code in the database, meaning foreign terrorist fighter. This means that this person is a threat to public order and security. I should say that this YTS code exists in practice. It is not in the Law, the deportation on the ground of YTS draws from the public order/security article (LFIP 54-1-d). Sometimes, when a person goes to the PDMM for renewal of the ID, the officers when they see the YTS code on the registration system, tell the applicant to “wait for a while, we will give your ID”, meanwhile they call the police. Then the detention procedures start based on the code. Those who have YTS code in their file are treated differently. They are kept in removal centres up to maximum a year, and then they have to be freed due to the Law. But their IDs are taken. As they cannot be deported to Syria as it is not a safe country, but they are taken back to a removal centre, this time with the Governorate’s order. Thus, the Administration tricks the Law”<sup>44</sup>.*

As it happens for Turkish citizens, there is no transparency in issuing codes to foreigners. A complaint that “X person is linked to ISIS or YPG”, made by anyone, is enough for profiling and assigning to the reported person a YTS code without any judicial assessment. It is almost impossible to change codes even following a lawyer’s intervention.

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<sup>43</sup> See deportation appeal case in Turkish before Constitutional Court to get insight about the source of G87 code: DGMM’s circular dated : Göç İdaresi, 7/12/2015 <http://www.kararlaryeni.anayasa.gov.tr/BireyselKarar/Content/c16a48d0-0674-4821-a2f4-b1a85f1e9ba4?wordsOnly=False>

<sup>44</sup> Interview, lawyer, 04 Dec. 2020, Gaziantep.

⇒ Also, CSOs providing free legal aid to refugees avoid looking after such cases, instead recommend people to find private lawyers, as the topic is sensitive and CSOs do not want to jeopardize their relations with the Administration<sup>45</sup>. ⇐

In these cases, the common practice is to keep apprehended foreigners in protective custody in police stations or in administrative surveillance in removal centres or camps to force the person to accept “voluntary” return due to the lack of any other option. “Voluntary” return forms will be discussed below.

#### 4.4. [Compulsory signatures of return forms and loss of protection status](#)

Reports and testimonies illustrate that many of the apprehended Syrians had been coerced or misled by officers or translators in signing “voluntary return” documents<sup>xliv</sup>. One interviewed returnee, Hitam, explained:

*“After the trial, the police sent me to the PDMM, then the refugee camp. After staying here for 5 days, I was given a “voluntary” return form. I had to sign it. I did not have any other option. I handed over the TP card; I have fingerprints. Then, I started to look at a new life in Syria”.*

Jamal had a similar experience, *“I was given the “voluntary” return form. I did not have any other option than signing it. If I did not sign it, I would have stayed in that “assembly camp”.*

Although Hitam and Jamal did not face physical violence, others did. When apprehended, some migrants who refused to sign the forms that they were not even allowed to read, were beaten and threatened with violence<sup>xlv</sup>. The Istanbul Bar Association reported that, at the time of the 2019 crackdown, they had received within two months (July and August) 180 complaints of police misuse of “voluntary” return forms<sup>xlvi</sup>. The interviewed lawyers and CSO representatives in different provinces confirmed such unlawful practices, including using harsh detention conditions in police stations and removal centres to compel migrants into signing “voluntary” return forms. Occasionally, they even heard cases of officers signing forms on behalf of a foreigner in Istanbul's removal centres.

In general, Syrians are not aware of the content of the return form. CSOs representatives mentioned cases of Syrians who were cheated by border officers, who took their TP cards and forge their signature or coerced them into signing their return forms. However, in these cases, the persons concerned did not understand the content of the form.

CSO representatives denounced such practice, adding that there were even taken place during arrivals:

*We met with a Syrian woman with two mentally disabled daughters. They sought our help in accessing health services because the girls were suffering from mange. At first, they managed to enter Turkey by paying smugglers, but they were apprehended by some unknown person and forced to sign a document. This document had a small paragraph giving the signatory's consent to return voluntarily. We had never seen ocument before. Due to this document, we*

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<sup>45</sup> Interview, CSOs, 08 Dec. 2020, Istanbul; Interview, lawyer, 10 Dec. 2020.



*have not been able to help this family, who failed to complete their registration and access the health system. For a while, we found medicine by using our networks. After a short time, the police came to their house to deport them.*

According to state officers, the accusations about using force in signing “voluntary” return forms are not true. The DGMM explained that *“a UNHCR representative primarily signs the form but, in her/his absence, a representative from Kızılay (Turkish Red Crescent) signs it’. If both of them are not present, it is signed by a CSO representative who is approved by the Governorate of the Governorate’s Human Rights and Equality Commission staff”* (DGMM 2019). The testimonies and statements of lawyers and CSOs refute this explanation:

*The Law only recommends the presence of organisations such as UNHCR and Kızılay for monitoring purposes, but PDMMs always interpret the Law in their favour and use discretionary power. I have never seen these organisations' signatures in the “voluntary” return forms in Gaziantep, Urfa and Istanbul. Maybe in Izmir, Kızılay’s signature exists in the forms, perhaps in the past they did monitor the process, but since the obsession to return Syrians increased, neither Kızılay nor UNHCR representatives signed a paper. UNHCR has no presence in the PDMMs since 2018”<sup>46</sup>.*

A CSO interviewee said that *“UNHCR, but not Kızılay, does monitor “voluntary” returns in general by collaborating with PDMMs”<sup>47</sup>*. Another one confirmed that UNHCR made occasional visits to PDMMs or removal centres for monitoring purposes, but only to give information to families planning returns. UNHCR representatives complain about not being informed about returns in due time.

Besides the lack of involvement of independent monitoring agencies, there are serious obstacles in accessing justice: migrants don’t get information about their situation, can’t easily get legal aid, and even when they do they often can’t meet their lawyers in person. Moreover, the timeframe for lodging an appeal is very short (7 days) and there is no possibility to apply for asylum.<sup>xlvii</sup>

Signed “voluntary” return forms give the Administration important safeguards during appeals, as reported by interviewed lawyers and CSOs representatives. One of them said that *“the Constitutional Court neither examines the appeal folders very well, nor is involved in these issues. When the Court sees a “voluntary return form” signed by a Syrian, it does not even ask for any other pieces of evidence to object to the decision. And even if the administrative court annuls the decision, which might take weeks, the person has already been deported (I. lawyer, 17 Nov., Denizli). A CSO female representative confirmed that if there is a “voluntary return form, it is very difficult to prove that the return was carried out against a person's will. She added that “the courts want to see evidence, testimonies are not enough, but the signed “voluntary” return forms seem to be an adequate evidence for the courts not to consider it a forced return”<sup>48</sup>.*

<sup>46</sup> Interview, lawyer, 04 Dec. 2020, Gaziantep.

<sup>47</sup> Interview, CSOs, 08 Dec. 2020.

<sup>48</sup> Interview, CSOs, 08 Dec. 2020, Istanbul.



According to lawyers in Istanbul and Gaziantep, in 2020 there have been improvements regarding the “voluntary return forms”: while some believe it is due to the pandemic, others relate it to the 2019 Amnesty International Report. A lawyer said that: *“after the Amnesty report, they (PDMM officers) do not push persons in detention to sign forms and do not manipulate them anymore. Before that, they were either hiding the part of the paper about return or cheating people. Lawyers and returnees also mentioned that the 7-day term, as in the legislation, was not respected before, and people were forcibly returned after 4 or 5 days. Now we do not hear of such practices. Before returning individuals, now they wait for seven days for possible appeals”*<sup>49</sup>.

She added, *“as a lawyer, I used this report as a proof of unlawful practices. The court became anxious because of such reports. Perhaps this is the reason for improvements. The Administration is careful in deporting Syrians, they do not do it anymore; they do not push for “voluntary” return forms”*<sup>50</sup>.

Her statement gives hope about the impact of international pressure on the treatment of migrants and asylum seekers in Turkey. Moreover, DGMM issued a public statement objecting to the report, showing that it takes the issues seriously. Informants consider that DGMM always has a defensive stance and objects to claims about refoulement. The interviewed Amnesty International representatives in Brussel told that they were invited by the DGMM for a conversation after their report, but the meeting was cancelled due to the pandemic.

Not only in forced returns but also in the **“voluntary” returns**, the lack of monitoring is clear. Testimonies from interviewees are illustrative. Mahdi, interviewed in Syria, said that:

*“To return, I made my own decision; I did not consult anyone. I applied through the provincial PDMM, handed over my TP identity card, then started my journey to Syria”.*

Farid, who is now living in a Syrian town, noted that:

*“When I decided to return, I went to the gate at the border and told them my intention to go back to Syria. They asked me to hand over my TP card. I did it, gave my fingerprint, then they allowed me to exit”.*

As seen, returnees do not mention any information session or the involvement of international NGOs in monitoring returns. Returnees often want to *“keep the option of re-entering Turkey”* but it is not easy as they have to pay large sums to smugglers. As Jamal said *“conditions in Syria were tough. I was seeking an opportunity to come back to Turkey. Then it happened, I returned to Turkey with the assistance of smugglers.”* Similarly, Hitam recalls *“I returned with the help of smugglers; it cost me 1500 dollars. I reactivated my TP card.”* Hitam was lucky in being able to reactivate his TP card with the special permit of the Governorate for returnees, while Ahmad had to pay for the service: *“Finally, I returned to Turkey. I applied to reactivate my TP card. There were brokers for this issue; they asked 3000 Turkish Liras (TRY).”*

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<sup>49</sup> Interview, Lawyer, 5 Dec. 2020, Gaziantep.

<sup>50</sup> Interview, Lawyer, 5 Dec. 2020, Gaziantep.

⇒ Some interviewed CSOs and lawyers said, however, that *“if there is a deportation order or a “voluntary” return signature, there is no way that this person can reactivate their TP card, making them irregular migrants.”* Testimonies of Syrians who have re-entered show it is possible. ⇐

A CSO in Istanbul reported that since 2017 they had helped 300 applicants to reactivate their TP cards after they returned to Syria for several reasons (family, expired travel permits, checking properties) and re-entered Turkey and came back to Istanbul. CSOs make individual applications to the Istanbul PDMM, after interviews they often receive a positive response for the reactivations of TP cards for women and children if they had no security code issued over their registration. The positive answer rate is lower for men, sometimes PDMM did not respond at all<sup>51</sup>. Also, ‘brokers’, as Ahmad paid, might have assisted reactivating TPs with payment.

## V- The Lack of Post-Return Monitoring Mechanisms and Protection for returnees

Conditions inside Syria are not yet conducive for safe, sustainable and dignified returns. Syria meets neither the safe country standard nor the UNHCR protection threshold.<sup>52</sup> Full political protection is not available. Initial reasons for forced migration from Syria remain the same in the largest part of Syria. Fighting and violence continue<sup>53</sup>, access to decent livelihoods are limited, the service infrastructure in and health, sanitation, education, sanitation, and housing infrastructures have not yet been yet rebuilt to enable sustainable returns. Therefore, advocating for returns to Syria is still premature.

Moreover, Turkey’s intervention in Syria, particularly in Northern Syria continuously shapes its return and post-return policies. Indeed, Turkish military cooperated with the Syrian National Army on four operations<sup>54</sup>, aimed at removing Kurdish Forces from the border region- forces who are deemed to be a terrorist organisation by Turkey. So-called ‘safe regions’ under Turkish military control were created after each operation, to enable border control<sup>xlviii</sup>. The safe regions are also used to keep internally displaced people (IDPs), thereby providing humanitarian aid with the support of international organisations like UNHCR, thus preventing new refugee flows to Turkey. The last operation, in October 2019, explicitly intended to speed up Turkey’s plan to create a “safe zone” in Northern Syria where Syrian refugees might be repatriated<sup>xlix</sup>. Through these operations, Turkey has built a zone of control and rebuilt Syrian towns at the border. Turkish state agencies and a few CSOs, cooperating with local Syrian actors, provided services in camps for internally displaced people and rebuilt hospitals, schools, mosques, universities and other infrastructure as well as local councils.

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<sup>51</sup> Interview, CSOs, 08 Dec. 2020, Istanbul.

<sup>52</sup> *Protection Thresholds and Parameters for Refugee Return to Syria*, issued by the UN in February 2018. <https://www.consilium.europa.eu/en/press/press-releases/2020/06/30/brussels-iv-conference-on-supporting-the-future-of-syria-and-the-region-co-chairs-declaration/#>.

<sup>53</sup> <https://www.consilium.europa.eu/en/press/press-releases/2020/06/30/brussels-iv-conference-on-supporting-the-future-of-syria-and-the-region-co-chairs-declaration/#>

<sup>54</sup> code-named *Fırat*/Operation Euphrates Shield (August 2016–March 2017); *Zeytin Dalı*/Olive Branch (2018) and *Barış Pınarı*/Peace Spring (October 2019)

Turkey seeks to create a political and societal order and “permanent buffer zones” under its control in Northern Syria due to its own geopolitical interests and ideational visions. As a consequence, Turkey controls returns selectively by, for example, preventing Kurds to return to their places of origin while resettling IDPs from other regions on the lands of Kurds<sup>l</sup>.

With these interventions, Turkey turned into “the main international actor engaged in actual reconstruction in Syria”<sup>li</sup>. Its actions are mainly unilateral with the tacit approval of EU, international organisations and other global powers such as Russia. The [EU progress report](#) notes that Turkey “brought in further reinforcements to the region after the last operation”. The Report adds that “Turkey cooperated with the UNHCR and initiated a regional dialogue regarding the conditions for safe, voluntary and dignified return of Syrian refugees.”<sup>lii</sup>. Turkey-UNHCR cooperation for returns has not been mentioned in any other document. Humanitarian workers serving inside Northern Syria said that “UNHCR collaborated with CSOs from Turkey in the education field for meeting needs of IDPs, but we have not observed any intervention from the UNHCR regarding returns”<sup>55</sup>. Additionally, a scholar working closely with the UNHCR said that the UN agency is not involved nor monitors any returns. Still, they have other projects in Northern Syria such as EU Member States’ funded projects to reconstruct housing in Northern Syria in cooperation with the Turkish authorities and government supported CSOs<sup>56</sup>. EU countries, such as Germany, do not react to Turkey’s control inside Syria, either having no other option or pragmatic approach for the deportation of Syrian criminals from EU countries back to Syria.<sup>57</sup> Observers predict that the EU would not seriously object if Turkey decides any repatriation, and Turkey will not decline if international organisations offer help<sup>58</sup>.

Many returnees do not feel safe and do not leave their homes in peace. Farid said that:

*Particularly at nights, there is no safety. There are robberies, kidnappings, lootings. No electricity either, we only have it four hours a day. Due to safety issues, people are afraid to send their kids to school. Only wealthy families can hire private teachers.*

Mohammed added that:

*Attacks in crowded places continued. PYD affiliates use car bombs to attack markets. Free Syrian Army members with weapons walk among people, causing fear and panic, particularly for our children.*

Abdullah witnessed that:

*When I returned to Syria, I found terrible living conditions, poverty, weapons, fear and much worse things. Day by day, life gets worse. We have not been able to find security and refuge. My children live in fear and are illiterate. There is no education, only the sound of shelling and shootings.*

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<sup>55</sup> Interview, 10 Dec. 2020, Gaziantep.

<sup>56</sup> Interview, CSOs, 11 Dec. 2020.

<sup>57</sup> <https://www.dw.com/tr/su%C3%A7lu-suriyeliler-t%C3%BCrkiyenin-kontrol-etti%C4%9Fi-b%C3%B6lgelere-g%C3%B6nderilsin/a-55895190>; <https://www.dw.com/tr/almanyada-suriyenin-kuzeyine-s%C4%B1n%C4%B1r-d%C4%B1%C5%9F%C4%B1-uygulans%C4%B1n-%C3%A7a%C4%9Fr%C4%B1s%C4%B1/a-55757856>

<sup>58</sup> Interview, 11 Dec. 2020.

Not only is there a lack of safety, but there are also difficulties in accessing livelihoods due to the high prices of basic needs items, limited working opportunities, low income, lack of and inadequate essential services (electricity and water). International organisations report that “the COVID-19 and economic crises further aggravated the already dire livelihoods situation in northwest Syria”. Livelihoods were reported to be the highest priority needs for each population group (host communities, IDPs, returnees) according to a September report by a UN partner. Another risk is also the further reduction of purchasing power<sup>liii</sup>.

Interviewed returnees inside Syria mentioned the same problems. Mahdi told that:

*“When I returned to Syria, I found that food, hygiene products, and basic needs are quite expensive. There is no water and electricity. If you do not have any relatives abroad who can support you, the financial side is terrible. To meet our needs, we have to work days and nights. Bombings continue, we are not able to go out freely. ...I want my children to be able to continue their education. But schools are not working.*

Similarly, Abdullah mentioned his experience,

*“I may list difficult living conditions including hunger, high prices in basic needs, lack of safety/security, the inadequate services at hospitals and the lack of proper medical equipment. Life is very challenging. We do not expect to stay here; we only want protection from God”.*

Returnees do not have access to any return assistance. They can only count on their social networks inside Syria and relatives in the diaspora to survive Mahdi said that “my relatives and brother who live in Turkey and Germany send me money to rebuild my house, rent a store to start to work and cultivate our lands.” Some Syrians adapt to the conditions upon return and emotionally feel better in Syria: “in Syria, at least, I live in the house of my own family. I do not pay rent. There are no job opportunities, but we have agricultural land, we cultivate it to make livelihoods. At least, we do not encounter humiliating glances anymore.”

## Women Returnees

Although the majority of returnees are young men, there are also women. In the 2019 crackdown, authorities did not differentiate between men, women and children. A interviewed lawyer said:

*The majority of deportees are men. But I also observed women who got involved in prostitution, being deported. It can also happen that the entire family, including women and children, gets involved in a street fight, so the police place all of them in the PDMM to be deported.*

A human rights advocate reported two cases concerning women returnees. The first case happened in Bursa, a city in north-western Turkey:

*A Syrian family -parents and three kids- was working as shepherds and housekeepers in a farmhouse. We know them from our network. Someone, probably a neighbour complained about them for an unknown reason. They were taken to the Osmaniye camp, a deportation order was issued for the wife, the husband and the small kid, but not for the young boys of 14 and 16 years old. Luckily, the order was not executed. Now, we are trying to help this family. They are not able to move, travel or do anything due to this deportation order. We mobilised the lawyers, consulted with the DGMM, but there have been no results so far.*

The second concerned a returnee who eventually re-entered Turkey:

*I interviewed a woman in Maras a year ago, learned that she had been deported to Syria, then she managed to re-enter Turkey as she had siblings who needed her to take care of them. Now, she doesn't have any documents. She works as a cleaner in a CSO to earn a little money. She is not able to travel at all; she is not able to access any services.*

The risk of forced return of Syrian sex workers over the ground of threatening public health is evident, but not reported. Sex workers remain invisible. Many of them are not registered and do not have any documents. They avoid encounters with the police as much as possible. It is almost impossible for them to claim their rights when they face violence. They are terrified that if they are apprehended when doing sex work, they might be immediately deported. If they were deported, life in Syria would be worse, even impossible (risk of rape, murdering)<sup>liv</sup>.

## VI- Conclusions

This research started with the story of Ahmad, who had been living in Idlib upon his return from Turkey. Since his forced removal, however, he was dreaming of returning to Turkey and eventually succeeded. Ahmad was relatively luckier than some fellow Syrians as he did not face persecution. According to journalistic accounts, a Syrian young man, who was deported from Istanbul to Syria in August 2019, was taken hostage by Al-Nusra in Idlib. He was released when his family paid a ransom and re-entered Turkey, then in a few months he was detained again by the police and deported to Azez, Syria.<sup>59</sup> Another Syrian refugee, Musaab, father of two, was deported on the ground of “being a threat to public security” before the finalisation of his Court case. He is now in prison in Damascus, while his family remained in Turkey.<sup>60</sup>

While it is easy for Turkish administrators to apprehend Syrians, make them sign “voluntary” return forms under threat, cancel their temporary protection status and escort them on the other side of the border, this process is a matter of life and death for Syrian refugees like Mosaab. The stories of Ahmad and others show that Syria is not a safe place to return to because there is still a clear risk of persecution. The ongoing fight between the Syrian government and other militant groups and the lack of proper services and infrastructure constitute an obstacle to plan any safe, “voluntary” and dignified returns. The choice of returning to Syria is never really “voluntary”: those who make it are forced to do so because of the obstacles they encounter in accessing sustainable livelihoods, dignified life, and hope for a future in Turkey or because they are misled by Turkish authorities.

## VII- Recommendations

The following recommendations are directed at the political authorities of Turkey, to international actors including the United Nations and European Union.

### 7.1. Political authorities in Turkey

- Turkey must implement more structured integration policies and urgent measures to avoid social tensions and growing discrimination against Syrians. This includes stopping the scapegoating of Syrians through political rhetoric and discourse.
- When conditions for safe and dignified returns mature inside Syria, Turkey, in cooperation with the international community, including the UN and the EU, will have to seek for international collaboration and transparency in “voluntary” returns of Syrian and non-Syrian asylum seekers. Rather than a unilateral approach, as Turkey adopts in Northern Syria, international cooperation at all stages of the return process is a prerequisite to achieving a sustainable return.

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<sup>59</sup> <https://multecimediyasi.org/2020/03/14/turkiyenin-sinir-disi-ettigi-multeciye-el-nusra-rehin-aldi/>.

<sup>60</sup> <https://www.dw.com/tr/g%C3%B6n%C3%BCll%C3%BC-d%C3%B6nd%C3%BC-denilen-suriyelinin-cezaevinde-sonlanan-hikayesi/a-54088800>.

### *Specific: Legislative related*

- Temporary protection status carries an inherent risk of mass returns. There is a need for more precise status (refugee status) or an adjustment of the temporary protection status to ensure access to basic services and guarantee the right of residence and to avoid precarity.
- The derogation from the *non-refoulement* principle on the ground of being a threat to “public security, public order and public health” (in the asylum law) is used by Turkish migration authority (DGMM) to justify forced returns of Syrian and non-Syrian asylum seekers in Turkey since 2016. There has to be transparency, consistency and accountability in deciding about and acting upon these exceptions to the principles of *non-refoulement*.
- The Administration has extraordinary discretionary power that should be limited to enhance justice, fairness and rights-based perspectives. The interventions of the Constitutional Court can have a positive impact over restricting this power.
- Detention of asylum seekers under the banner of removal should only be used as a last resort (only in the cases of proof of severe criminal activity) and should be in full compliance with international human rights law.
- Restrictions over internal mobility and renewing registrations should be eliminated. Syrians should be given rights to move and register in provinces they find jobs and other opportunities.
- Migration bureaucracy should avoid creating legal limbo, irregularity, exploitability and conditions for forced returns by cancelling Syrians’ IDs (using any trivial reasons to do so, such as being involved in a quarrel or returning voluntarily and later re-entering Turkey.).
- Rights-based CSOs should be supported, instead of being the targets of attacks and retaliation for their activities, in order to increase their capacities, awareness, and expertise in monitoring, making campaigns, and pushing for the access to justice regarding returns.
- The government needs to revise the restriction for registration: for example, in some provinces like Istanbul, where many Syrian and non-Syrian asylum seekers live, the registration is critical for accessing education and health services as well as to lessen precarity and to avoid, to a certain extent, being apprehended, detained or forcibly returned;
- The government needs to revise the procedures for obtaining required permits, such as work and travel permits, and for the functioning of CSOs working with refugees and migrants, such as removing intense paper work imposed on CSOs for recruiting staff and control/barriers in their field work, e.g. requirement of taking permission from the Governorate for house visits.

### *Specific: Practice related*

- In the case of any forced returns, authorities should ensure full, independent judicial oversight of deportation decisions and proceedings. No one should be forcibly returned before the end of the judicial trial process. Officers should respect the suspensive effects of appeals against removals.
- Human rights lawyers and independent observers should be granted full and unconditional access to detention centers, camps and police states.

- Barriers over registrations of newly arrived Syrians in some provinces, such as in Istanbul, should be eliminated to prevent irregularity (lack of documentation) of asylum seekers, increasing the risk of tensions with local populations and the risk of forced return.
  - The DGMM must allow access to CSOs, NGOs and UNHCR to monitor the signing procedures of return forms.
  - The right to return should be respected, but adequate information about the home country conditions should be provided to those planning to return.
  - Some Syrian refugee community organisations, particularly those in the border cities developed good relations with the local CSOs which collaborate with the local government from the Government Party. They should be given voice in discussions around returns and return monitoring mechanisms.

## 7.2. [International Actors](#)

### ***Urgent need for monitoring mechanisms:***

Spontaneous returns of Syrians continue from Turkey, Jordan and Lebanon. An estimated 15,000 refugees and 223,000 IDPs returned to some areas in Syria in 2020 (Brussels IV, 2020). The Syrian Government made calls for refugee returns in a Russian-sponsored conference on returns (on 11-12 November 2020) by claiming that large parts of Syria are relatively peaceful for returns and rebuilding (Cook, 2020). There is a lack of national and international monitoring and post-monitoring mechanisms, while neighbouring hosting countries seek to speed up premature returns. Conditions inside Syria are not yet conducive for safe, sustainable and dignified returns. Immediate political resolution and development initiatives for Syria are necessary.

### ***Provide more resettlement and complementary pathway opportunities for better responsibility-sharing:***

Among three durable solutions, resettlement should be promoted the most as it is an ideal form of responsibility-sharing by the international community and Syria's neighbouring host countries. Resettlement quotas, which are extremely low now, have to be reactivated to seek genuine collaboration with these countries in hosting refugees and avoiding this 'return obsession.' Other complementary pathways – humanitarian visas, family reunifications, third country scholarships-<sup>[61]</sup> can be also mobilised to ease the burden for refugee hosting countries.

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<sup>61</sup> <https://reliefweb.int/sites/reliefweb.int/files/resources/63759.pdf>



## United Nations

**The UNHCR** should take a more active role in the whole return process. Specifically, it should be involved in ensuring the voluntary character of repatriation (via information campaigns, interviewing, counselling) as well as returnee monitoring and reintegration.

**The IOM** should increase its involvement by:

- implementing its framework for voluntary return and reintegration;
- using its leverage and resources for ensuring ‘safe, dignified and voluntary returns’.

## European Union

**The EU** has played an important, yet ambiguous, role in Turkey’s migration governance and continued its relevance via extensive funding and agreements for supporting Syrian and non-Syrian asylum seekers.

- The EU’s increasing obsession of returns, as reflected in the New Pact on Asylum and Migration, and its equation of “protection and returns” undermines its credibility vis-à-vis Turkey if it intends to object forced returns from Turkey to Syria. The EU should revise ongoing mechanisms and practices, such as the 2016 EU-Turkey statement, hotspots in Italy and Greece, pushbacks in the Mediterranean, readmission agreements, which are worsening the situation in frontline countries (such as Turkey and Lebanon) and risk increasing returns and chain *refoulements*.
- Collaborate with Bar Associations’ Refugee Rights Commissions and their Legal Clinics, by actively engaging with them, as they have a good understanding of informal and unlawful practices about forced and so-called “voluntary” returns.
- The EU funding is critical for national human rights organisations to be able to provide legal assistance to asylum seekers via lawyers. The EU projects for legal aid, including those related to following up on deportation orders, treatment in removal centres and seeking justice, have to be continued, their durations should not be limited to 8 months in order to enable sustainability and expertise accumulation given Turkish lawyers interest in asylum cases.
- The EU should use its diplomatic tools to put pressure on Turkish government to stop shrinking the civic space of political and human rights organisations working with migrants.

## Annex: Research methodology/Data Collection

For the desk-based component, researchers consulted: the Turkish language media and civil society reports, documents published by the migration authorities, as well as UN and EU reports, international NGO reports, Syrian and Turkish NGO sources, academic studies and international media sources, formal legislations texts, the statistics of Turkish migration authority (DGMM), and publicly available decisions from the Constitutional Court regarding forced returns.

For the field research, two sets of interviews were conducted in November and December 2020 with the support of the local research assistant. Firstly, we conducted semi-structured interviews (n=7) with four persons in Northern Syria who returned from Turkey in the last two years, three persons who forcibly returned to Syria and then re-entered Turkey using irregular channels. Lawyers and CSOs were also asked to share the stories of their beneficiaries who were returned. Secondly, we conducted 14 background interviews with lawyers (3), national human rights advocacy/solidarity groups (3), humanitarian organizations operating cross-border operations (3), scholars (2), informal local Syrian-led initiatives (2), international human rights groups (1). All interviews are anonymised. As there are partial or competing pieces of information from different sources about actual practices, the triangulation strategy is followed up to test validity through information convergence.

The data collection has some limitations for three reasons. First, there are no official statistics on the returns to Syria except the numbers occasionally shared by the Ministry of Interior or DGMM officers during press releases. Second, as refugees' returns to Syria are a sensitive topic, relevant actors, like the lawyers and CSO staff, are hesitant to share their experiences and observations due to confidentiality and safety concerns. Securing interviews with staff from IOM, UNHCR, EU development agencies was not possible. Authors listened to some representatives in webinars and raised questions about returns and asked CSOs about these IOs interventions. Thirdly, due to the pandemic and related lockdowns, access to refugee informants are more limited than 'normal' times.

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