



WHAT HAPPENS TO SYRIANS WHEN THEY RETURN TO TURKEY?

This information is intended for Syrian asylum seekers in Greece who are considering opting for the Assisted Voluntary Return scheme to go back to Turkey, either with the intention to stay in Turkey or in order to return to Syria. Non-Syrians experience a very different legal situation in Turkey. Other nationalities also have the possibility of Voluntary Assisted Repatriation (to their countries of origin), which is not possible for Syrians.

It is important to note that so far (at 21 June) there have been no Syrians returned to Turkey involuntarily, as the EU-Turkey deal intended to do. Only two Syrians have received rejections at the second instance administrative appeal stage, and they are appealing with lawyers' help to the European courts. So it is looking increasingly unlikely that any Syrians will actually be returned involuntarily to Turkey.

It is your decision whether to opt into the assisted voluntary return scheme, but we believe that for your choice to be truly 'voluntary', you have to understand first what both options mean for you in the long-term. The decision to return to Turkey is almost certainly irreversible and will affect you for the rest of your life, and also your children's lives.

Please make sure you are clear in your own mind before you request voluntary return that you are not just deciding this out of frustration or despair about how you have been treated the last few months or how you think the next few months or even the next couple of years may be. Asylum in Europe in the long-term certainly does not mean waiting in a camp like this forever. Please look at the information from the Greek Asylum Service about what

the rights of beneficiaries of international protection are in Greece, which are very similar to rights of refugees across Europe, altho economic opportunities within those rights across EU countries do vary. You are still legally eligible for the EU Relocation scheme, however politically and procedurally that is difficult currently, so I cannot say with absolute confidence that you will actually get relocation. I will produce another information sheet about what is known and not known about relocation for you. To be eligible for the EU Relocation scheme you have to be registered for the asylum procedures in Greece first.

It is also important to keep in mind when reading the information below that:

The gaps between legal rights and how the law is applied in practice in Turkey is even wider than in Europe. In Europe there are also gaps between law and practice, but they are usually resolved after some time. In Turkey your rights on paper may be very difficult to access in reality forever.

In the long-term, how genuinely fair and efficient the asylum procedures are in Greece or Turkey can make more difference to your safety and quality of life than the quality of reception conditions while you wait for the asylum procedures to reach a final decision in either country. You have only experienced sub-standard and degrading reception conditions in Europe so far, you have not yet seen the final outcomes after people receive final positive asylum decisions. I know refugees personally since 2008 who have received asylum in Europe and now have normal, safe, independent, meaningful and fun lives. They are not treated like second-class citizens anymore, they are genuinely socially integrated and independent.

My only advice is just to ask you to think about the very long-term, not just how exhausted, frustrated, despairing, and rightly angry you feel now about the last few months or the likely prospects for you for the next few months or even a couple of years.

This summary is about what happens to Syrians in Turkey with regards to freedom of movement, detention, risks of illegal deportation, access to asylum and the attached legal rights, employment, access to public services including education and healthcare,

Temporary Protection status in Turkey

Syrians are currently eligible for Temporary Protection status in Turkey, as the Syrian refugees are counted as a 'mass influx'. Temporary Protection means that legal protection is granted collectively based on the positive presumption that Syrians need

temporary international protection, without examining each individual's reasons to need protection in detail.

This temporary protection is granted by an order of the Turkish council of ministers, but since it is not based on examining individual substantive claims, it could also be withdrawn collectively, with no requirement for individual, objective and impartial examination of your individual protection needs after that. At present, this is not directly a problem, but it means that you are not individually guaranteed protection for as long as you need it in Turkey, whereas you will be here when your individual case has been examined if you are found to need it.

Another problem is stateless persons previously resident in Syria may have additional difficulties registering for Temporary Protection status, and if you are a member of a minority ethnicity who are usually discriminated against in Turkey, then you may have difficulty in practice registering for any legal protection status. If you receive Conditional Refugee Status or Subsidiary Protection instead, which are in theory the protection statuses open to non-Syrians, then these come with more restrictions on your freedom of movement and employment opportunities.

Freedom of Movement

Syrians who succeed in registering for Temporary Protection status are allocated to a specific province for residence, usually the province where they registered but not always. Temporary Protection status holders are legally required to reside in the province where they are allocated a residence permit and must obtain permission from the DGMM before moving within Turkey and for leaving Turkey.

Many Syrians move to other provinces in Turkey without permission. Those who move without permission do not have access to basic services because those services are only guaranteed in provinces of registration.

Syrians under Temporary Protection who travel abroad without permission get their temporary protection status reconsidered and possibly revoked upon their return.

Although it does not guarantee that you will be allocated registration there, it is a good idea to try to register in one of the major cities where there may be better access to public services, refugee rights organisations in case you need legal support, foreign consulates and embassies if you need to access family reunification procedures, and slightly better chances of accessing legal employment.

Detention

All people who arrived irregularly in Greece and then were returned, voluntarily or involuntarily, are initially detained in Turkey. Syrians returned from Greece so far have been held in Düziçi camp, Osmaniye province. The situation is changing and there is a new Turkish law which says that Syrians who are returned from Greece can be considered under Temporary Protection, and this has happened in some cases. However, previously Turkish local authorities have said that they consider that all people returned from Greece have had a chance to apply for asylum and therefore if they did not receive it then they must not have reasons to need asylum, so they directly prepare to deport them. Because of the gaps between law and practice in Turkey, how recently the law changed and inconsistencies in practice across administrative areas of Turkey, it is very risky if you still need international protection and you have not had your asylum claim substantively examined in Greece yet to assume that you will be able to access asylum procedures in Turkey after returning. Major problems for Syrians in detention include no access to a lawyer or contact with family members on the outside, being held on “terror suspicion” without any formal investigation, overcrowdedness, and lack of access to interpreters.

Risk of forced return or expulsion to your country of origin

Many Syrians who return to Turkey from Europe are sent to removal centers and some were then deported from Düziçi to Syria. Syrians in detention are sometimes pressured into signing voluntary return forms to Syria. Some asylum seekers were also deceived into signing a voluntary repatriation form that is only in Turkish.

Employment

Under a 2016 regulation, temporary protection beneficiaries do not have an open pass to work but are allowed to apply for a work permit **six months after initial registration**. If granted a permit, they are legally allowed to work for at least the minimum wage but subject to geographical and sectoral limitations.

In practice, only Syrians with specific skills which the government is willing to hire – nurses, doctors, and some engineers – have any realistic chance of getting a work permit. Hardly any private business will go out of their way to support refugees applying for work permits. If people have an accident at work, there is not usually any support. It is required to find a job offer first and then apply for a work permit, which private employers will not do.

There is a quota that states that the number of Syrians with Temporary Protection employed in any given firm may not be more than 10% greater than the total number of Turkish workers. Given the high proportion of Syrians in the southeastern part of the country this quota may still make it difficult for Syrians to be employed legally.

Most Syrians and other refugees work illegally in Turkey, which puts them in a very vulnerable position and many are exploited and mistreated at work. In practice, police protection may not be available.

Healthcare

Although Syrians living in Turkey are entitled to public health care, in practice many find it difficult to access it. The Language barrier also remains a major problem as many of the medical reports are only available in Turkish. Only registered refugees can access public healthcare and then only in the province of registration and residence.

Accommodation

Although Syrians living under temporary protection in Turkey are entitled the right to live in camps managed by Turkey's Disaster and Emergency Management authority and there are currently 26 camps in operation, these camps only have the capacity to hold 10% of Syrians currently granted Temporary Protection. Given that 90% of the Syrians living under temporary protection are forced to survive on their own, many live in extreme poverty throughout various cities in Turkey

Education

Legally, Syrian children under Temporary Protection are entitled to free primary and secondary education in Turkey. For refugees living outside of the camps, instruction in the Turkish language is a hindrance to enrollment for Syrian children. There are education centers that provide instruction in Turkish but capacity is often limited. Financial problems are another obstacle to school enrollment as many have to work to earn money for their families.

Refugee Rights organisations in Turkey

If you do decide to return to Turkey, it would be wise to save the web addresses and phone numbers of the following human rights organisations supporting refugees in Turkey. It is also likely that your phone will be confiscated in detention in Turkey, so keep a paper backup of the contact details hidden somewhere in your possessions which are least likely to be taken away or memorise the web address.

Lawyers in Turkey can only access clients in detention if they have the exact registered names and proof that the detainee requested them, and even then it is often still very difficult for Turkish lawyers to get access to clients in detention.

This information has been summarised from twelve evidence reports about what has happened to asylum seekers in Turkey, and in particular those who returned from Greece to Turkey since 20th March 2016. It includes information from cases of both involuntary and voluntary return.

Multeci-Der

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Refugee Rights Turkey / Mülteci Hakları Merkezi

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info@mhd.org.tr

These numbers work from 10am to 5pm on weekdays.

Returnwatch

<https://returnwatch.org/>

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