

COUNTRY REPORT

IMMIGRATION DETENTION IN **TURKEY:** TRAPPED AT THE CROSSROAD BETWEEN ASIA AND EUROPE

OCTOBER 2021



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October 2021

THE GLOBAL DETENTION PROJECT MISSION

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To promote the human rights of detained migrants, refugees, and asylum seekers;
- To ensure transparency in the treatment of immigration detainees;
- To reinforce advocacy aimed at reforming detention systems;
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies.

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Front cover image: Afghan refugees in Turkey in February 2020, 18 October 2020 @Ozan Kose/Agence France-Presse – Getty Images

This report is also available online at www.globaldetentionproject.org

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GLOSSARY

AIDA	Asylum Information Database
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DGMM	Directorate General for Migration Management
ECtHR	European Court of Human Rights
GDP	Global Detention Project
HCA	Helsinki Citizens' Assembly
HRW	Human Rights Watch
LFIP	Law on Foreigners and International Protection
PRS	Palestinian Refugees from Syria
RSD	Refugee Status Determination
UNRWA	UN Relief and Works Agency for Palestine Refugees in the Near East



KEY FINDINGS

- Turkey has a sprawling immigration detention system that includes more than two dozen “removal centres” in addition to holding rooms in airports, ad hoc detention sites along its borders, and police stations.
- The country stridently opposed accommodating more Afghan refugees following the withdrawal of international troops and the Taliban takeover in Afghanistan in August 2021, constructing walls and surveillance systems along its border with Iran and ramping up summary detentions and deportations. There have been reports of violent pushbacks of Afghan refugees seeking to enter the country from Iran.
- The controversial 2016 EU-Turkey refugee deal expanded Turkey’s detention estate with the help of EU funding and has subsequently led to an increase in detentions and summary deportations of refugees and asylum seekers.
- Numerous observers have reported poor conditions in Turkish detention centres, in addition to persistent overcrowding, lack of medical care, and failure to provide detainees access to legal assistance.
- Turkey maintains a geographical limitation to the 1951 Refugee Convention, recognising only people fleeing Europe as refugees, which has resulted in a dual-structured asylum system that leaves thousands of people who have fled conflicts in legal limbo.
- Turkish authorities claim that areas of northern Syria are safe and have forced thousands of Syrian refugees to sign “voluntary return documents” before deporting them in recent years, although large numbers of Syrians have returned to Turkey after being deported.
- After the onset of the COVID-19 pandemic, Turkey temporarily halted removals though the country continued to issue removal decisions.
- While Turkey released tens of thousands of prisoners to prevent the spread of COVID-19 in overcrowded prisons during the initial months of the pandemic, there appears to have been no corresponding large-scale release of immigration detainees from removal centres.



1. INTRODUCTION¹

Turkey has one of the world's largest immigration detention systems, which is comprised of some two dozen "removal centres," ad hoc detention sites along its borders, transit facilities in airports, and police stations. The country's immigration and asylum policies have been shaped by numerous factors related to its geography, history, and politics. Its relationship with the European Union (EU) has been particularly crucial because of Turkey's location between the EU and the Middle East and other parts of the world.

Turkey's crucial geography with respect to migration and refugee movements came under a spotlight in mid-2021 after US and other international forces pulled out of Afghanistan, spurring thousands of people to flee the country. Already host to 300,000 Afghan refugees, the Turkish government was unequivocal in its response, stating that it could not take in any more Afghan refugees and that it wouldn't be used as a "migrant storage unit" for refugees trying to reach Europe.² Afghans in Turkey do not enjoy protection under the 1951 Refugee Convention nor temporary protected status like the Syrians, which leaves them at constant risk of deportation, as well as targets of racist attacks and hate crimes. An estimated 53,000 Afghans were deported from Turkey between 2018 and 2019.³ In 2021, fearing a new influx of migrants and refugees, Turkey constructed a wall and surveillance system along its 295 kilometre border with Iran to prevent refugees from entering the country. The country also summarily expelled thousands of Afghans, including women and children.⁴ Afghan families described repeatedly trying to cross the border into the Van region of Turkey that borders Iran, being caught by the police and deported or detained.⁵

¹ The Global Detention Project (GDP) would like to thank the International Refugee Rights Association for providing helpful comments and corrections on an earlier draft of this report. The GDP also wishes to acknowledge the important assistance we received from the annual reports on Turkey produced by the Asylum Information Database of the European Council on Refugees and Exiles. Any errors in the report are those of the GDP.

² Euromed Rights "Afghan Refugees Stuck in Limbo at Turkish Border Need EU Protection", 31 August 2021, <https://euromedrights.org/publication/afghan-refugees-stuck-in-limbo-at-turkish-border-need-eu-protection/>

³ Euromed Rights "Afghan Refugees Stuck in Limbo at Turkish Border Need EU Protection", 31 August 2021, <https://euromedrights.org/publication/afghan-refugees-stuck-in-limbo-at-turkish-border-need-eu-protection/>

⁴ Euromed Rights "Afghan Refugees Stuck in Limbo at Turkish Border Need EU Protection", 31 August 2021, <https://euromedrights.org/publication/afghan-refugees-stuck-in-limbo-at-turkish-border-need-eu-protection/>

⁵ Carlotta Gall, "Afghan Refugees Find a Harsh and Unfriendly Border in Turkey", *New York Times*, 23 August, 2021, <https://www.nytimes.com/2021/08/23/world/europe/afghanistan-refugees-turkey-iran-taliban-airport.html>

In 2015, during Europe's "refugee crisis,"⁶ hundreds of thousands of people transited Turkey en route to Europe.⁷ Brussels subsequently negotiated an agreement with Ankara aimed at stemming refugee flows. The controversial 2016 [EU-Turkey deal](#) established that Turkey would prevent refugees from leaving its territory for Europe, and that all migrants and asylum seekers who arrived on Greek islands after 20 March 2016 would be liable to return to Turkey.⁸ For every migrant or asylum seeker returned to Turkey, the EU would resettle one Syrian from Turkey. Turkey was also promised six billion EUR, the lifting of EU visa requirements for its nationals, and the resumption of Turkey's EU accession process.⁹ While the EU justified the return of migrants and asylum seekers to Turkey on the "safe third country" principle, it was widely acknowledged that Turkey would fail to fulfil the criteria to be considered safe for refugees.¹⁰

In February 2020, just before the onset of the COVID-19 pandemic, Turkey announced that it would open its borders with Europe and cease efforts to stop refugees from crossing. In a televised speech, Turkish President Recep Tayyip Erdogan accused EU leaders of failing to keep their promises to help Turkey shoulder the refugee load.¹¹ Thousands of migrants and refugees travelled to the Greece-Turkey border, with some reports suggesting that Turkish police had transported groups to border areas and shown them where to cross.¹² Greek security forces deployed at the border used tear-gas, water cannons, and stun

⁶ Global Detention Project, "Physical Fences and Digital Divides—A Global Detention Project Investigation into the Role of Social Media in the Context of Migration Control, Part I: Exposing the 'Crisis'," 22 May 2018, <https://www.globaldetentionproject.org/physical-fences-and-digital-divides-exposing-the-crisis>

⁷ J. Clayton and H. Holland (ed T. Gaynor), "Over One Million Sea Arrivals Reach Europe in 2015," UN High Commissioner for Refugees (UNHCR), 30 December 2015, <https://www.unhcr.org/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html>

⁸ The EU-Turkey deal ultimately diverted the migration flow to Italy, and in 2016 arrivals to Greece had decreased to 170,000. See: UN High Commissioner for Refugees (UNHCR), "Refugees and Migrants Sea Arrivals in Europe," December 2016, <https://data2.unhcr.org/ar/documents/download/53447>

⁹ Visa-free travel for Turkish nationals has long been a goal of the Turkish government in its engagements with the EU. During negotiations over the 2013 readmission agreement and later, at the finalisation stage, Turkey made the signing, ratification, and future implementation of the agreement directly conditional on progress towards a visa-free regime between Turkey and EU. A "visa dialogue" was launched between the two sides on the same day the readmission agreement was signed, however talks over accession and visa-free regimes has been stalled by political controversy within Europe over Turkey's candidacy as well as widespread repression in the wake of the failed July 2016 coup attempt. For more information, see: *Deutsche Welle*, "European Parliament Votes to Suspend Turkey's EU Membership Bid," 13 March 2019, <https://www.dw.com/en/european-parliament-votes-to-suspend-turkeys-eu-membership-bid/a-47902275>; O. Durukan (Helsinki Citizens' Assembly Turkey), Notes on draft detention profile, Global Detention Project, 3 April 2014.

¹⁰ Amnesty International, "The EU-Turkey Deal: Europe's Year of Shame," March 2017, <https://www.amnesty.org/en/latest/news/2017/03/the-eu-turkey-deal-europes-year-of-shame/>; I. Majcher, "Border Securitization and Containment vs. Fundamental Rights: The European Union's 'Refugee Crisis'," *Georgetown Journal of International Affairs*, March 2017, <https://www.georgetownjournalofinternationalaffairs.org/online-edition/border-securitization-and-containment-vs-fundamental-rights-the-european-unions-refugee-crisis>

¹¹ M. Stevis-Gridneff and C. Gall, "Erdogan Says, 'We Opened Doors,' and Clashes Erupt as Migrants Head for Europe," *The New York Times*, 29 February 2020, <https://www.nytimes.com/2020/02/29/world/europe/turkey-migrants-eu.html>

¹² Human Rights Watch, "Greece: Violence Against Asylum Seekers at Border," 17 March 2020, <https://www.hrw.org/news/2020/03/17/greece-violence-against-asylum-seekers-border>

grenades to prevent border crossings.¹³ Some people were reportedly detained, assaulted, robbed, and stripped by Greek security forces before being pushed back into Turkey.¹⁴

Turkey has received widespread criticism of its treatment of refugees, which has included issuing emergency decrees that ease rules for deporting asylum seekers. A decree issued in October 2016 (Decree 676), which expanded the grounds for deporting people still engaged in international protection proceedings,¹⁵ resulted in increased deportations of refugees and asylum seekers to countries¹⁶ like Afghanistan, Syria, and Iraq.¹⁷ In July 2019, authorities in Istanbul announced raids, stop-checks, and arrests of Syrian refugees registered in other cities.¹⁸ The raids were followed by summary deportations into northern Syria.¹⁹

Turkey has sought to counter criticism of its treatment of Syrians by arguing that nearly half a million people have returned to Syria voluntarily in recent years.²⁰ However, observers argue that many of these departures are far from voluntary. For instance, in a widely noted 2019 report, Amnesty International related the accounts of Syrian deportees who alleged having been beaten or threatened with violence to coerce them into signing “voluntary return” documents.²¹ Such expulsions have taken place against the backdrop of Turkey’s desire to establish a “safe zone” along its border with Syria, a plan that the Erdogan administration rapidly sought to achieve following US President Donald Trump’s military pullback from Syria and Turkey’s ensuing military offensive against the Kurdish People’s Protection Units (YPG) in late 2019. Expulsions have also been buttressed by surging anti-foreigner rhetoric,

¹³ N. Enria and S. Gerwens, “Greek-Turkish Border Crisis: Refugees are Paying the Price for the EU’s Failure to Reform its Asylum System,” *LSE*, 25 March 2020, <https://blogs.lse.ac.uk/euoppblog/2020/03/25/greek-turkish-border-crisis-refugees-are-paying-the-price-for-the-eus-failure-to-reform-its-asylum-system/>

¹⁴ Human Rights Watch, “Greece: Violence Against Asylum Seekers at Border,” 17 March 2020, <https://www.hrw.org/news/2020/03/17/greece-violence-against-asylum-seekers-border>

¹⁵ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>; International Crisis Group, “Turkey’s Refugee Crisis: The Politics of Permanence,” 30 November 2016, <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/turkey-s-refugee-crisis-politics-permanence>

¹⁶ Amnesty International, “Greece: Court Decisions Pave Way for First Forcible Returns of Asylum-Seekers under EU-Turkey Deal,” 22 September 2017, <https://www.amnesty.org/en/latest/news/2017/09/greece-court-decisions-pave-way-for-first-forcible-returns-of-asylum-seekers-under-eu-turkey-deal/>

¹⁷ Amnesty International, “Turkey: Thousands of Afghans Swept Up In Ruthless Deportation Drive,” 24 April 2018, <https://www.amnesty.org/en/latest/news/2018/04/turkey-thousands-of-afghans-swept-up-in-ruthless-deportation-drive/>; Amnesty International, “Turkey: Illegal Mass Returns of Syrian Refugees Expose Fatal Flaws in EU-Turkey Deal,” 1 April 2016, <https://www.amnesty.org/en/latest/news/2016/04/turkey-illegal-mass-returns-of-syrian-refugees-expose-fatal-flaws-in-eu-turkey-deal/>

¹⁸ Q. Amameh and T. Rollins, “Syrian Refugees in Istanbul Nervous Over Raids, Arrests by Turkish Authorities,” *The National*, 19 July 2019, <https://bit.ly/2ISbIkI>

¹⁹ Q. Amameh and T. Rollins, “For Syrians in Istanbul, Fears Rise as Deportations Begin,” *The New Humanitarian*, 23 July 2019, <https://www.thenewhumanitarian.org/news/2019/07/23/syrians-istanbul-fears-rise-deportations-begin>

²⁰ See, for example: AA, “Over 414,000 Syrians Return Home Thanks to Turkey,” 15 October 2020, <https://www.aa.com.tr/en/middle-east/over-414-000-syrians-return-home-thanks-to-turkey/2007120>

²¹ Amnesty International, “Sent to a War Zone: Turkey’s Illegal Deportations of Syrian Refugees,” October 2019, <https://app.box.com/s/5l4o0br9jp6allglvwzydl81tyetsvrf>

particularly aimed at Syrians, which has featured heavily in political campaigns²² and been accompanied by attacks on Syrian refugees and Syrian-owned properties.²³

In April 2020, the Turkish Parliament passed a law allowing for the release of up to 100,000 prisoners from Turkish jails in response to the COVID-19 pandemic.²⁴ By June 2020, a total of over 64,661 prisoners had been temporarily released.²⁵ However, according to research carried out by the Global Detention Project in December 2020, there were no reports of any immigration detainees being released for COVID-related reasons between April and December 2020. Moreover, the Turkish government did not delay or stop issuing administrative detention orders as a result of the global pandemic and regular reporting to the Provincial Directorate of Migration Management as an alternative to detention was suspended during the pandemic. Removal decisions also continued to be issued during this time. The GDP received reports that detainees being held in overcrowded centres were transferred to less crowded ones to facilitate social distancing. No other measures appear to have been taken to prevent the spread of COVID-19 amongst immigration detainees or to provide adequate care to those who fell ill, there was no obligatory quarantine on release from immigration detention, and migrants and asylum seekers were not routinely tested for the virus.²⁶ Refugees and migrants have also faced difficulties in accessing COVID-19 vaccines. Officially entitled to health care, including vaccines, language barriers, difficulties accessing information and booking systems, and fears of being reported to the police and deported have prevented many refugees and migrants from getting vaccinated.²⁷

²² Y. Ozkir, "Anti-Refugee Sentiment Ahead of Turkey's Local Elections," *The New Turkey*, 15 February 2019, <https://thenewturkey.org/anti-refugee-sentiment-ahead-of-turkeys-local-elections>

²³ Turkish Minute, "Mob Attacks Syrian Refugees Over Child Abuse Claim in Istanbul," 30 June 2019, <https://www.turkishminute.com/2019/06/30/mob-attacks-syrian-refugees-over-child-abuse-claim-in-istanbul/>

²⁴ Amnesty International, "Turkey: Prison release law leaves innocent and vulnerable prisoners at risk of COVID-19," April 13, 2020, <https://www.amnesty.org/en/latest/news/2020/04/prison-release-law-leaves-prisoners-at-risk-of-covid/>; Human Rights Watch, "Turkey: COVID-19 Puts Sick Prisoners At Grave Risk", 3 April 2020, <https://www.hrw.org/news/2020/04/03/turkey-covid-19-puts-sick-prisoners-grave-risk>

²⁵ Global Detention Project, "COVID-19 Global Immigration Platform: Turkey," 11 December, 2020, <https://www.globaldetentionproject.org/covid-19-immigration-detention-platform - Turkey>

²⁶ Global Detention Project, "COVID-19 Global Immigration Platform: Turkey," 11 December, 2020, <https://www.globaldetentionproject.org/covid-19-immigration-detention-platform - Turkey>

²⁷ Çiçek Tahaoğlu "Are Refugees in Turkey Being Vaccinated?" *InfoMigrants*, 12 July, 2021, <https://www.sciencedirect.com/science/article/pii/S266662352030012x>



2. LAWS, POLICIES, PRACTICES

2.1 Key Norms

Core pieces of national legislation providing a framework for immigration detention

- Law No. 6458 on Foreigners and International Protection (LFIP)

The principal law governing immigration detention, [Law No. 6458 on Foreigners and International Protection](#) (LFIP), was adopted in April 2013 and came into force in April 2014. It provided Turkey's first legal framework for the protection of asylum seekers and replaced a series of previous legal instruments—including the Passport Law, the Law on Sojourn and Movement of Aliens, as well as various “circulars” and regulations—that previously had been used as the basis for immigration-related detention. However, key aspects of the LFIP were later amended by the post-coup emergency decree—amendments that would later be passed as legislation in their own right. These include the time to appeal deportation decisions (which was decreased from 15 to seven days), as well as regarding alternative detention measures.

The LFIP was originally triggered by the EU accession process in order to bring the country in line with EU and international humanitarian and human rights standards.²⁸ Creating a specialised civilian institution under the Interior Ministry to manage all forms of migration, including with respect to international protection, the mandate of this new agency included preparing the implementing regulations for the establishment, management, and inspection of immigration detention facilities.²⁹

Article 54 provides for deportation based on several immigration-related grounds, including *inter alia* overstaying a visa, cancellation of a residence permit, violating provisions of entry or stay, and rejection of application for international protection.

In 2010, before the introduction of the LFIP, the Interior Ministry issued several circulars aimed at addressing detention-related issues raised in European Court of Human Rights (ECtHR) judgements as well as by various regional and international human rights bodies, including the European Committee for the Prevention of Torture (CPT).³⁰ Among the

²⁸ European Commission, “Joint Statement by Commissioners Štefan Füle and Cecilia Malmström on the Adoption by the Turkish Parliament of the Law on Foreigners and International Protection,” April 2013, ec.europa.eu/commission_2010-2014/fule/headlines/news/2013/04/20130405_en.htm

²⁹ UN High Commissioner for Refugees (UNHCR), “UNHCR Welcomes Turkey's New Law on Asylum,” 12 April 2013, www.unhcr.org/5167e7d09.html

³⁰ These intermediate “patch-like” attempts to address gaps in Turkey's migration management included: (1) the Circular on Combating Illegal Migration (No. 2010/22); (2) the Circular on Reception at Centres and Informing those staying at Centres (No. 64/67); and (3) the Circular on Refugees and Asylum Seekers (No. 2010/23).

changes introduced in these circulars was the adoption of the name “Removal Centre” (*Geri Gonderme Merkezi*) for facilities used to detain foreigners for administrative purposes, which is still in use today, replacing the misleading and much-criticised name “Foreigners Guesthouse” (*Yabancılar Misafirhanesi*). The circulars also complemented existing legislation, including Law No. 5683, amended in March 2011 by the Law Amending Certain Laws for the Purpose of Speeding of Judicial Procedures (No. 6217); the Law on Sojourn and Movement of Aliens (No. 5687); the Law on Settlement (No. 2050); and the Passport Law (5682).

2.2 COVID-19 Response

Did authorities issue a moratorium on new migrant detention orders?	No
Were immigration detainees released as a pandemic-related measure?	Minimal releases
Were deportations temporarily ceased?	Yes

In February 2020, in an about-face vis-à-vis the 2015 EU -Turkey refugee return deal, Turkey announced that it would no longer stop migrants and refugees from crossing into Europe. However, by 27 March 2020, after the first confirmed cases of COVID were detected, the government shifted its tone, announcing that refugees on the Turkey-Greece border would be temporarily settled in nine cities as a precaution against further spread of COVID-19.³¹ Turkey also reportedly implemented some measures in removal centres such as shutting down communal areas, restricting visits to legal counsel, and requiring 14-day mandatory quarantine for new arrivals before being placed in removal centres.³²

In April 2020, the Turkish Parliament passed a law allowing for the release of up to 100,000 prisoners from Turkish jails in response to the COVID-19 pandemic.³³ Some prisoners were released temporarily under judicial control, while others were released permanently. By June 2020, a total of over 64,661 prisoners had been temporarily released.³⁴ Amnesty International and Human Rights Watch criticized the move for failing to release political prisoners, journalists and human rights activists, arrested under Turkey’s overly broad anti-terrorism laws, as well as those being held in pre-trial detention.³⁵ However, there appears to have been no corresponding large-scale release of immigration detainees from removal centres, reflecting a trend the Global Detention Project has noted in other parts of the world

³¹ P. Dost, “Coronavirus is Exacerbating the Precarious Situation of Syrian Refugees and IDPs,” *Atlantic Council*, 27 March 2020, <https://tinyurl.com/s6x37qo>

³² Asylum Information Database, “Country Report: Turkey: 2020,” ECRE, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

³³ Amnesty International, “Turkey: Prison release law leaves innocent and vulnerable prisoners at risk of COVID-19,” April 13, 2020, <https://www.amnesty.org/en/latest/news/2020/04/prison-release-law-leaves-prisoners-at-risk-of-covid/>; Human Rights Watch, “Turkey: COVID-19 Puts Sick Prisoners At Grave Risk,” 3 April 2020, <https://www.hrw.org/news/2020/04/03/turkey-covid-19-puts-sick-prisoners-grave-risk>

³⁴ Global Detention Project, “COVID-19 Global Immigration Platform: Turkey,” 11 December, 2020, <https://www.globaldetentionproject.org/covid-19-immigration-detention-platform - Turkey>

³⁵ Amnesty International, “Turkey: Prison release law leaves innocent and vulnerable prisoners at risk of COVID-19,” April 13, 2020, <https://www.amnesty.org/en/latest/news/2020/04/prison-release-law-leaves-prisoners-at-risk-of-covid/>

during the pandemic.³⁶

At the start of the pandemic, the GDP submitted information requests to government agencies and international organisations in Turkey to better understand what measures were being adopted to protect non-nationals during the crisis. The requests, which were in the form of an online survey, were sent to various contacts in Turkey, including the country's National Preventive Mechanism (the Human Rights and Equality Institution) and civil society groups. We received one survey response, from a non-governmental actor in Turkey, who asked to remain anonymous but whose identity was verified by the GDP. The source reported that the country had not delayed or stopped issuing administrative detention orders as a consequence of the global pandemic and that detainees confined in overcrowded centres, including those in Istanbul, were transferred to other detention centres to improve social distancing. Although the source explained that they had applied to the court for all their clients in administrative detention to be released on the basis of COVID-19 infection risks, as of December 2020, none had been released for this reason.³⁷

No other measures were taken to prevent the spread of COVID-19 amongst immigration detainees or to provide adequate care to those who fell ill. People requiring treatment at hospitals were sent back to detention after they recovered and there was no obligatory quarantine on release from immigration detention. Migrants and asylum seekers were not routinely tested for the virus.³⁸

A study published in the *Journal of Migration and Health* in December 2020 found that refugees and migrants faced significant challenges in accessing health care and health-related information during the COVID-19 pandemic.³⁹ Although refugees and migrants were officially entitled to health care, including COVID-19 vaccines, language barriers and difficulties accessing information and booking systems prevented many of them from getting vaccinated. A mandatory reporting requirement meant that healthcare staff were obliged to report undocumented migrants who sought healthcare services. As a result, many were too afraid to come forward for vaccinations, testing or treatment out of fear of being reported to the police or deported.⁴⁰

Regarding alternatives to detention, GDP's source said that the most common implementation was to oblige a person to regularly report to the Provincial Directorate of Migration Management or to the satellite cities by providing a signature. The frequency of the reporting duties varied depending on the case. However, during the COVID-19 pandemic, these reporting duties were suspended or postponed so ATDs did not factor significantly in any COVID-19 response.

In contrast, the ECRE's Asylum Information Database reported that there were indications

³⁶ M. Flynn & K. Welsford, "Covid-19 Reveals the Inherent Vindictiveness of Immigration Detention," *Open Democracy*, 28 May 2020, <https://www.globaldetentionproject.org/covid-19-reveals-the-inherent-vindictiveness-of-migration-detention>

³⁷ Unnamed Source in Turkey, Global Detention Project COVID-19 Survey, 8 December 2020.

³⁸ Global Detention Project, "COVID-19 Global Immigration Platform: Turkey," 11 December, 2020, <https://www.globaldetentionproject.org/covid-19-immigration-detention-platform-Turkey>

³⁹ S. B. Özvaris, "COVID-19 Barriers and Response Strategies for Refugees and Undocumented Migrants in Turkey," *Journal of Migration and Health*, Volume 1-2, 2020, <https://www.sciencedirect.com/science/article/pii/S266662352030012x>

⁴⁰ Çiçek Tahaoğlu "Are Refugees in Turkey Being Vaccinated?" *InfoMigrants*, 12 July, 2021, <https://www.sciencedirect.com/science/article/pii/S266662352030012x>

that during 2020 some ATDs were used a bit more frequently, including reporting and being placed in residential housing. According to ECRE, “in Van people were released from removal centres, including to reduce the numbers detained there and obliged to give their signature. People were also released from the airport, due to COVID-19.”⁴¹

According to the GDP’s source, although removals were halted in March 2020, removal decisions continued to be issued. As a consequence, if a removal decision was made against a migrant, they would either be taken to administrative detention or released after the order was issued. The source stated that they did not have any clients who were removed from the country, but that some returned voluntarily after deportation decisions were made against them.

According to ECRE, almost all asylum-related activities were suspended during the COVID-19 pandemic. The registration offices of the Provincial Directorates for Migration Management (PDMM) were closed from March to June 2020 throughout Turkey. Consequently, interviews and the processing of asylum applications were delayed. In addition, resettlement services and returns were also suspended during this period.⁴²

2.3 Grounds for Detention

Are grounds for administrative migration-related detention provided in law?	Yes
Are there reports of arbitrary migration-related detention?	Yes

The LFIP provides several grounds for pre-removal administrative detention, as well as grounds for administrative detention of asylum seekers and people in international protection procedures (see 2.5 Asylum Seekers, below).

Article 57 stipulates that detention can be ordered for “those who may abscond or disappear, who violate rules for entry into and exit from Turkey, who use fraudulent or unfounded documents, who do not leave Turkey in the granted period without an acceptable excuse, who constitute a threat to public order and security or public health” (Article 57(2)).

The law specifies that the detention of persons seeking protection should be an exceptional measure (Article 68). Still, there are grounds for detaining an applicant undergoing international protection procedures if asylum authorities have doubts about the authenticity of an applicant’s claim, the applicant applied at a border post and is being detained so as to avoid irregular entry, or in cases where the applicant poses a threat to public order.⁴³

Previously, Turkish law was unclear about the grounds for confining non-citizens in administrative detention. The government frequently cited Article 4 of the Passport Law (Law No. 5682 of 1950)⁴⁴ and Article 23 of the Law on the Sojourn and Movement of Aliens (Law

⁴¹ Asylum Information Database, “Country Report: Turkey: 2020,” ECRE, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

⁴² European Council on Refugees and Exiles, “Country Report: Turkey: 2020 Update,” Asylum Information Database (AIDA), May 2021, p.15, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

⁴³ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

⁴⁴ Article 4 of the Passport Law provided that foreign nationals who arrive at the Turkish border without

No. 5687 of 1950)⁴⁵ as grounds for “accommodating” undocumented foreign nationals.⁴⁶

On repeated occasions human rights monitors have accused Turkey of arbitrarily detaining migrants and refugees. In 2015, for example, Amnesty International released a report on the arbitrary detention and deportation of refugees and asylum seekers in Turkey. Amnesty concluded that in dozens of cases they investigated, the detention had been arbitrary. For Syrian refugees, the detention was arbitrary as they were afforded Temporary Protected Status under Turkish law and could not be returned to Syria at that time, and for other groups the grounds for detention were never provided.⁴⁷

Human Rights Watch (HRW) drew a similar conclusion in 2019 when it reported on the arbitrary arrest, detention, and deportation of groups of Syrian refugees to Idlib province, one of the most dangerous parts of Syria at the time. According to HRW, none of the Syrians, some of whom were detained for up to six weeks before they were deported, were charged with an offense or allowed to challenge their detention, and only one person they interviewed could contact a lawyer who was able to prevent the deportation. The rights watchdog concluded that the detention of Syrians pending deportation was arbitrary as they could not be safely returned to Syria and to do so risked breaching Turkey’s *non-refoulement* obligations. Any Syrian suspected of a breach of Turkish civil or criminal law should have been prosecuted only if formally charged and should have had the opportunity to defend themselves in a court of law, or be released.⁴⁸

2.4 Criminalisation

Does the country use criminal facilities to confine immigration detainees?	No
Can people be sentenced to prison for immigration status-related violations?	Yes
Are people incarcerated in practice for migration-related offenses?	Yes

According to Article 102 of the LFIP, persons who violate immigration-related laws

appropriate documentation were not admissible, and that those who claimed to have lost their documents during travel must stay at a location indicated by the administrative head of the local government until the Interior Ministry had completed an investigation.

⁴⁵ Article 23 of the Law on the Sojourn and Movement of Aliens provided that non-citizens who were issued a deportation order but whom the state could not immediately deport must “reside in a location assigned to them” by the Interior Ministry.

⁴⁶ Various international bodies argued that while these laws did not provide for detention, the type of accommodation carried out by authorities on the basis of these laws amounted to a clear deprivation of liberty and that the facilities used for this purpose operated as detention centres. In *Abdolkhani and Karimnia v. Turkey* (2009) the European Court of Human Rights (ECtHR) stated that Turkey’s system for detaining foreign nationals had no legal basis and that the applicants had been arbitrarily detained in violation of Article 5 of the European Convention on Human Rights. For a detailed account of problems posed by administrative detention in Turkish law, see: European Court of Human Rights, “*Abdolkhani and Karimnia v. Turkey*, Application no. 30471/08,” 22 September 2009; UN Working Group on Arbitrary Detention (WGAD), “Report of the Working Group on Arbitrary Detention Addendum: Mission to Turkey, A/HRC/4/40/Add.5,” Human Rights Council, 7 February 2007; European Court of Human Rights, “*Z.N.S. v. Turkey*, Judgment of the European Court of Human Rights, Application no. 21896/08,” 19 January 2010.

⁴⁷ Amnesty International, “Europe’s Gatekeeper: Unlawful Detention and Deportation of Refugees from Turkey”, December 2015, <https://www.amnesty.org/en/wp-content/uploads/2021/05/EUR4430222015ENGLISH.pdf>

⁴⁸ Human Rights Watch, “Turkey: Syrians Being Deported to Danger,” October 24, 2019, <https://www.hrw.org/news/2019/10/24/turkey-syrians-being-deported-danger>

can be subject to fines. Although previous legislation provided for criminal prosecution and prison sentences, this law does not include such provisions. As such, Turkey appears to reflect a trend found in some European countries, such as [Malta](#), which have decriminalised immigration violations in recent years.

Although the LFIP provides that non-nationals can be detained in police stations for up to 48 hours before transferal to a removal centre (Article 57(2)), some observers have witnessed the use of police stations for well beyond this 48-hour limit. Facilities include Beyoğlu, Beşiktaş, and Kağıthane police stations in Istanbul (where some detainees have reportedly been held for up to seven days); the Caldiran, Balaban and Beblesin police stations in Van; and the basement of the Yumuktepe police station in Mersin (where some detainees have been held for one to two months).⁴⁹

Prior to the adoption of the LFIP, authorities could seek criminal prosecution for violations of various provisions of the Passport Law. However, according to the Helsinki Citizens' Assembly (HCA), these sanctions were not systematically applied, and persons were usually detained as a result of an administrative decision without a judicial review.⁵⁰ Amendments to the Passport Law adopted in 2011 suppressed criminal charges and prison sentences (Articles 233-35).

In addition, the Law on the Sojourn and Movement of Aliens (No. 5683), provided for the imprisonment of foreigners for immigration-related charges. Article 25 provided for imprisonment for up to two years for non-citizens who left their designated place of residence without permission. Article 26 provided prison sentences of up to six months and fines of up to 1000 TL (approximately 155 EUR) for those who tried to enter Turkey after being deported or after being invited to leave the country (Article 26). As highlighted by the HCA, Article 26 appeared to be at odds with the 2011 amendments to the Passport Law decriminalising irregular entry and exit.⁵¹

2.5 Asylum Seekers

Is the detention of asylum seekers provided in law?	Yes
Are asylum seekers detained in practice?	Yes

Turkish legislation provides for the detention of asylum seekers. The LFIP stipulates that detention of asylum seekers should be an exceptional measure (Article 68(1)(2)) and provides for two types of administrative detention: a) administrative detention of international protection applicants during the processing of their applications (Article 68); and b) administrative detention for the purpose of removal (Article 57). Grounds for the detention of asylum seekers include: (1) to verify identity documents and nationality; (2) to prevent

⁴⁹ Asylum Information Database, "Turkey: Country Report," May 2021, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

⁵⁰ Helsinki Citizens' Assembly Turkey (HCA), "Global Detention Project Questionnaire," *Global Detention Project*, 29 July 2011.

⁵¹ Helsinki Citizens' Assembly Turkey (HCA), "Global Detention Project Questionnaire," *Global Detention Project*, 29 July 2011.

irregular entry at ports of entry; (3) when an asylum application cannot be properly assessed unless administrative detention is applied; and (4) when the person poses a serious danger to public order and security (Article 68(1)(2)). Detention on these grounds is not to exceed 30 days (Article 68(5)), although in practice asylum seekers may be held for longer than 30 days.⁵²

When applicants for international protection are detained, they are to be granted access to “a legal representative, lawyer, as well as to a notary” and UNHCR officers (Article 68(8)). Article 92(3) provides that UNHCR shall have access to applicants of international protection, including those at border posts. According to Article 59(2), representatives of “relevant non-governmental organisations with expertise in the area of migration shall be able to visit removal centres upon permission of the Directorate General.”

Although Turkey is a party to the [1951 Refugee Convention](#), it is one of a small group of countries that retain a “geographical limitation” clause, limiting the protection regime to refugees and asylum seekers from Europe.⁵³ The LFIP did not lift this limitation—a failure that drew widespread criticism. The geographical limitation is particularly significant in the case of Turkey because people seeking international protection in the country almost exclusively come from “non-European” countries—including Syria, Iran, Iraq, Afghanistan, and Somalia. Indeed, Turkey hosts close to 3.6 million Syrian refugees (the largest number of any receiving state), while other asylum seeker populations from Afghanistan, Iraq, and other countries bring the total number of refugees and asylum seekers in Turkey closer to four million.⁵⁴

Refugees from Syria, including Palestinian refugees from Syria (PRS) and stateless persons, who arrived in Turkey after 28 April 2011 may access a group-based Temporary Protection (TP) scheme that precludes them from lodging applications for international protection and, once their origins in Syria have been verified, temporary protection is granted without further individual assessment.⁵⁵ According to Article 91 of the LFIP, “temporary protection may be provided to foreigners who, having been forced to leave their country and cannot return to the country they left, have arrived at or crossed the borders of Turkey in masses seeking emergency and temporary protection.”

Those covered by the TP scheme are afforded various rights, including “express protection from *refoulement* and access to basic services, including education and healthcare, on the basis of a temporary protection identification card issued by the DGMM (Directorate General

⁵² Asylum Information Database, “Turkey: Country Report,” May 2021, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

⁵³ UN High Commissioner for Refugees (UNHCR), “UNHCR Global Appeal, 2008-2009: Turkey,” <https://www.unhcr.org/publications/fundraising/474ac8e60/unhcr-global-appeal-2008-2009-turkey.html>

⁵⁴ UN High Commissioner for Refugees (UNHCR), “Turkey, Fact Sheet,” February 2021, <https://reporting.unhcr.org/sites/default/files/Turkey%20bi-annual%20fact%20sheet-February%202021.pdf>

⁵⁵ Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016)29,” 10 August 2016, https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsg_migration_refugees_fact-finding_mission_final_e.pdf

for Migration Management).⁵⁶ Temporary protection applicants are also eligible for resettlement. According to DGMM statistics, a total of 16,902 Syrians were transferred to third countries between 2014 and 1 April 2021, mainly to Canada, the US, the UK and Norway. All resettlement from Turkey was suspended between March and June 2020, including German and Turkey's bilateral agreement on the readmission of refugees, due to the COVID-19 pandemic. The pandemic significantly affected processing for resettlement, although remote interviewing measures were set in place in five locations across Turkey allowing interviews to gradually resume. The pandemic also affected resettlement departures due to the lack of international flights between March and September 2020.⁵⁷

If a beneficiary leaves Turkey voluntarily, or if they avail themselves to the protection of another country or are admitted to a third-country on humanitarian grounds or for resettlement, their TP status ceases. However, given concerns about the “voluntariness” of many Syrians’ return to Syria in recent years and the fact that many have sought to return to Turkey, observers have highlighted cases in which former beneficiaries have been unable to re-access rights on re-entry.⁵⁸ This stands in direct contrast to a January 2019 circular issued by the DGMM, which stated that Syrians who re-enter Turkey despite having previously signed a “voluntary return” document would be allowed to re-access services.⁵⁹

The LFIP also contains provisions for an accelerated procedure for some applicants of international protection (Article 79), usually on the grounds that the applicant: has not presented sufficient grounds for international protection during their application; has misled authorities through providing false documents or misleading information; has discarded an identity document “in bad faith”; has applied for international protection solely to delay a removal decision; or poses a danger to public order or security. Simultaneously, applicants with special needs are also given the option of fast-tracked asylum processing. In the past, “women in advanced stages of pregnancy, persons with acute health needs, or unaccompanied children” have benefited from this prioritisation.⁶⁰

Despite protections that are intended for Syrian refugees, since the refugee “crisis” in 2015 they have been the targets of both physical attacks and increasingly restrictive policies, both at Turkey’s borders and inside the country. Turkey’s borders with Syria have been closed to all but emergency humanitarian cases since the “crisis,” and today remain “effectively closed to new asylum seekers” fleeing Syria, prompting many to rely on smugglers.⁶¹ Those

⁵⁶ Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016)29,” 10 August 2016,

https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsg_migration_refugees_fact-finding_mission_final_e.pdf

⁵⁷ Asylum Information Database (AIDA), “Turkey: Country Report,” 31 December 2020 update, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

⁵⁸ Asylum Information Database (AIDA), “Turkey: Country Report,” May 2021, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

⁵⁹ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

⁶⁰ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

⁶¹ Human Rights Watch (HRW), “Turkey: Events of 2018,” World Report 2019, 2019, <https://www.hrw.org/world-report/2019/country-chapters/turkey>; US State Department, “Turkey 2018 Human Rights Report,” 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

attempting to cross the border can face lethal force by Turkish military and gendarmerie border guards, detention in military facilities, and violent pushbacks.

In 2018, Human Rights Watch (HRW) documented instances in which Turkish authorities “routinely intercepted hundreds, and at times thousands, of asylum seekers at the Turkish-Syrian border ... and summarily deported them.”⁶² The human rights organization has documented similar practices consistently since 2015.⁶³ In June 2019, the Global Detention Project (GDP) received images from a Palestinian-Syrian human rights defender inside Syria appearing to show the results of violent beatings by Turkish border guards, who had apprehended the group of young men and forcibly deported them back across the border.⁶⁴ Inside Turkey, Syrians (like other asylum-seeking populations) have been forced to sign “voluntary return documents” under coercion or explicit force by authorities, before being deported back across the border.⁶⁵

In July 2019, authorities in Istanbul announced planned raids, stop-checks, and arrests of Syrian refugees residing in Istanbul who were registered in other cities around the country, as well as Syrians working informally.⁶⁶ In the days that followed, detained Syrians were summarily deported into northern Syria—including those with the necessary documentation to live legally in Istanbul—with many forced to sign voluntary return documents that were in Turkish.⁶⁷ According to an October 2019 Amnesty International report, although Turkey does not maintain statistics on such deportations, “the figure is likely to be in the hundreds.”⁶⁸ These raids and deportations were arguably an advance upon Turkey’s long-standing plans to create a “safe zone” inside Syria along the Turkish border, in which it hopes to resettle two million Syrian refugees. Claims of such forcible deportations raise concerns over how Turkey will persuade Syrians to relocate to this yet-to-be-established “safe zone.”

Concerns were raised again in June 2021, when the EU approved a further three billion Euros to assist Syrian refugees in Turkey, but also to strengthen migration management and border controls on Turkey’s eastern border.⁶⁹ While there is an urgent need for additional support for the 3.7 million Syrian refugees hosted by Turkey, critics raised concerns that conditioning a portion of aid on strengthening migration controls on Turkey’s borders with Syria and Iraq, could result in more illegal pushbacks and forced returns at the border and was essentially an attempt by the EU to keep refugees in the region and externalize EU

⁶² Human Rights Watch (HRW), “Turkey: Mass Deportations of Syrians,” 22 March 2018, <https://www.hrw.org/news/2018/03/22/turkey-mass-deportations-syrians>

⁶³ Human Rights Watch (HRW), “Turkey/Syria: Border Guards Shoot, Block Fleeing Syrians,” 3 February 2018, <https://www.hrw.org/news/2018/02/03/turkey/syria-border-guards-shoot-block-fleeing-syrians>

⁶⁴ Palestinian-Syrian human rights defender (anonymous for security reasons), WhatsApp conversation with Tom Rollins (Global Detention Project), 24 June 2019.

⁶⁵ See: Amnesty International, “Sent to a War Zone: Turkey’s Illegal Deportations of Syrian Refugees,” October 2019, <https://app.box.com/s/5l4o0br9jp6allglvwzydl81tyetsvrf>

⁶⁶ Q. Amameh and T. Rollins, “Syrian Refugees in Istanbul Nervous Over Raids, Arrests by Turkish Authorities,” *The National*, 19 July 2019, <https://bit.ly/2ISbIkI>

⁶⁷ Q. Amameh and T. Rollins, “For Syrians in Istanbul, Fears Rise as Deportations Begin,” *The New Humanitarian*, 23 July 2019, <https://www.thenewhumanitarian.org/news/2019/07/23/syrians-istanbul-fears-rise-deportations-begin>

⁶⁸ Amnesty International, “Sent to a War Zone: Turkey’s Illegal Deportations of Syrian Refugees,” October 2019, <https://app.box.com/s/5l4o0br9jp6allglvwzydl81tyetsvrf>

⁶⁹ Lorne Cook and Susan Fraser, “EU Greenlights Major Funding Plan for Refugees in Turkey,” *AP News*, 25 June, 2021, <https://apnews.com/article/lebanon-middle-east-turkey-europe-migration-e9395d4a3376e8d53cd8a51508fc4a61>

border controls. Turkey itself reacted coolly to the plan saying that it was essentially a way “to ensure the EU’s own peace and security.”

Compared with the group-based approach applied in the case of Syrians for whom temporary protection is automatic, individual non-European asylum seekers must pursue separate, parallel processes.⁷⁰ Until its discontinuation of the practice in September 2018, UNHCR conducted refugee status determination (RSD) in Turkey. Since then, the Directorate General of Migration Management (DGM) has acted as the “sole authority to register and process international protection applications.”⁷¹ Protection and assistance for refugees by UNHCR is governed by a Host Country Agreement (HCA), which was signed on 1 September 2016 and came into force in mid-2018.⁷²

While Turkish law provides that persons can technically apply for international protection after being detained, lodging such an application will not disrupt the enforcement of other judicial and administrative actions or measures and sanctions (Article 65(5)). In practice however, reports indicate that detainees may be denied access to making a claim or to determination procedures. Afghans are particularly vulnerable to summary, unlawful deportations. These were initially performed under the guise of the EU-Turkey refugee deal, but later under the authority of a migration agreement signed between Afghanistan and Turkey on 9 April 2018, in which Afghanistan agreed to facilitate the deportations of its nationals from Turkey.⁷³ Shortly after the signing of this agreement, Amnesty reported that Turkey had ramped up its deportations of Afghans—with some 7,100 rounded up and deported between 1 and 24 April 2018. An estimated 53,000 Afghans were deported from Turkey between 2018 and 2019.⁷⁴ Although Turkey claimed that these returns had been voluntary, detainees reported being pressured into signing Turkish-language documents that they could not understand.⁷⁵

The detention and deportation of Afghan refugees continued into 2021 despite the deterioration in security conditions inside Afghanistan and the Taliban takeover after the withdrawal of US and international troops in August 2021. Some 1,400 Afghans were expelled by Turkish border guards and military police in a single operation in July 2021 and hundreds more, including women and children, were held in detention in towns across eastern Turkey.⁷⁶ Afghan families described repeatedly trying to cross the border into the Van region of Turkey that borders Iran, being caught by the police and deported or

⁷⁰ Helsinki Citizens’ Assembly Turkey (HCA), “Global Detention Project Questionnaire,” *Global Detention Project*, 29 July 2011.

⁷¹ UN High Commissioner for Refugees (UNHCR), “Turkey: Operational Update 2018 Highlights,” March 2019, <https://bit.ly/2IRWBv>

⁷² UN High Commissioner for Refugees (UNHCR), “Turkey: Operational Update 2018 Highlights,” March 2019, <https://bit.ly/2IRWBv>

⁷³ Amnesty International, “Turkey: Thousands of Afghans Swept Up in Ruthless Deportation Drive,” 24 April 2018, <https://www.amnesty.org/en/latest/news/2018/04/turkey-thousands-of-afghans-swept-up-in-ruthless-deportation-drive/>

⁷⁴ Euromed Rights “Afghan Refugees Stuck in Limbo at Turkish Border Need EU Protection”, 31 August 2021, <https://euromedrights.org/publication/afghan-refugees-stuck-in-limbo-at-turkish-border-need-eu-protection/>

⁷⁵ Amnesty, “Turkey: Thousands of Afghans Swept Up In Ruthless Deportation Drive,” 24 April 2018, <https://www.amnesty.org/en/latest/news/2018/04/turkey-thousands-of-afghans-swept-up-in-ruthless-deportation-drive/>

⁷⁶ Euromed Rights “Afghan Refugees Stuck in Limbo at Turkish Border Need EU Protection”, 31 August 2021, <https://euromedrights.org/publication/afghan-refugees-stuck-in-limbo-at-turkish-border-need-eu-protection/>

detained.⁷⁷ There were reports that systematic and violent pushbacks of Afghans seeking to enter Turkey along its border with Iran surged in the months following the Taliban takeover.⁷⁸ Some commentators noted that the refusal by the Turkish authorities to allow Afghans to legally enter Turkey was forcing them to make increasingly dangerous journeys, citing the case of 60 Afghan refugees who drowned trying to cross Lake Van.⁷⁹ Afghan refugees arrived in Turkey exhausted, hungry and injured after making the 2,250 kilometre (1,400 mile) journey from Afghanistan through Iran and the Zagros Mountains to the Turkish border without adequate food, water and medical care.⁸⁰ But other commentators blamed the EU for the policy of pushbacks, which first emerged in Greece in response to the arrival of large numbers of migrants seeking to reach the EU. According to Karolína Augustová, a fellow at Sabanci University's Istanbul Policy Centre, the refusal of the EU to play its role in the crisis was a key factor in Turkey's response: "Pushbacks didn't emerge just because Turkey decided to toughen up on its eastern border," she said. "It's because of the EU's policy towards refugees."⁸¹

Until the 2016 coup attempt, asylum seekers undergoing international protection procedures were protected from removal by law—including during an appeals process for a rejected claim. However, the 29 October 2016 emergency decree (Presidential Decree No. 676) gave Turkish authorities additional powers vis-a-vis detention and deportation of asylum seekers, and several subsequent laws have amended parts of the LFIP in this regard. Indeed, amendments to Articles 53 and 54 of the LFIP (regulating removals and removal decisions) granted authorities the right to derogate from the principle of *non-refoulement* "for reasons such as public order, security and terrorism."⁸² This amendment, crucially, states that an asylum seeker can be removed at any point during an international protection procedure, if they meet the stated grounds above, whereas previously asylum seekers generally had the right to remain in the country throughout their procedure (including at appeal stages). Persons falling under those categories can also be deported even if they already benefit from international protection or temporary protection.⁸³ These amendments were subsequently consolidated by Law No. 7070 on 1 February 2018. According to a refugee rights monitoring group, removal decisions along these grounds were "increasingly" being

⁷⁷ Carlotta Gall, "Afghan Refugees Find a Harsh and Unfriendly Border in Turkey", *New York Times*, 23 August, 2021, <https://www.nytimes.com/2021/08/23/world/europe/afghanistan-refugees-turkey-iran-taliban-airport.html>

⁷⁸ Peter Yueng, "Afghan Refugees Accuse Turkey of Violent Illegal Pushbacks," *The Guardian*, 14 October 2021, <https://www.theguardian.com/global-development/2021/oct/14/afghan-refugees-accuse-turkey-of-violent-pushbacks>

⁷⁹ Metin Çorabatir, president of the Istanbul-based Research Centre on Asylum and Migration (IGAM) in Peter Yueng, "Afghan Refugees Accuse Turkey of Violent Illegal Pushbacks," *The Guardian*, 14 October 2021, <https://www.theguardian.com/global-development/2021/oct/14/afghan-refugees-accuse-turkey-of-violent-pushbacks>

⁸⁰ Metin Çorabatir, president of the Istanbul-based Research Centre on Asylum and Migration (IGAM) in Peter Yueng, "Afghan Refugees Accuse Turkey of Violent Illegal Pushbacks," *The Guardian*, 14 October 2021, <https://www.theguardian.com/global-development/2021/oct/14/afghan-refugees-accuse-turkey-of-violent-pushbacks>

⁸¹ Peter Yueng, "Afghan Refugees Accuse Turkey of Violent Illegal Pushbacks," *The Guardian*, 14 October 2021, <https://www.theguardian.com/global-development/2021/oct/14/afghan-refugees-accuse-turkey-of-violent-pushbacks>

⁸² Asylum Information Database (AIDA), "Turkey: Country Report," 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>; M. Zoetewij, "The State of Emergency, Non-Refoulement and the Turkish Constitutional Court," *Verfassungsblog*, 9 May 2018, <https://verfassungsblog.de/the-state-of-emergency-non-refoulement-and-the-turkish-constitutional-court/>

⁸³ Asylum Information Database (AIDA), "Turkey: Country Report," 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

used in 2018.⁸⁴ Human rights groups have also documented multiple cases of deportations, including *refoulements*, of asylum seekers (for more, see 2.6 Other vulnerable groups). However, following a 6 December 2019 Constitutional Court decision, this decree was cancelled.

2.6 Children

Is the detention of unaccompanied children provided in law?	Yes
Is the detention of accompanied children provided in law?	Yes
Are children detained in practice?	Yes
Number of detained children	Unknown

While the LFIP provides that a child's best interests shall be respected, it does not exempt unaccompanied children or families with children from pre-removal detention, with the exception of those in asylum procedures. The LFIP states that unaccompanied children and families in removal centres must be accommodated in separated areas and have access to education (Article 59).⁸⁵

In practice, families with children are frequently detained and unaccompanied children are still being held in removal centres in border towns, especially in Van.⁸⁶ AIDA also reports that unaccompanied children often declare that they are aged over 18 to avoid being separated from the group they travelled with.⁸⁷ Recent monitoring reports by international delegations and human rights groups also attest to the presence of children in removal centres (despite contrary claims by authorities in the centres). During a 2015 visit, a Council of Europe delegation visiting the [Pehlivan köy Removal Centre](#) was informed by authorities that there were no children in the facility—but, when visiting rooms at random, the delegation came across a “family of five, including three children under the age of 18,” and “at least one child playing in the outdoor area.”⁸⁸ That same delegation ultimately “encountered few” cases of children in removal centres during visits to several facilities, but stated that it was

⁸⁴ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

⁸⁵ Law on Foreigners and International Protection (LFIP), 4 April 2013, Article 59 (1) (c) https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf

⁸⁶ Asylum Information Database (AIDA), “Turkey: Country Report,” 31 December 2020 update, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

⁸⁷ Asylum Information Database (AIDA), “Turkey: Country Report,” 31 December 2020 update, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

⁸⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” Council of Europe, 17 October 2017, <https://www.refworld.org/publisher,COECPT,,TUR,59e5b55c4,0.html>

clear that the “possible detention of children in removal centres is anticipated.”⁸⁹ The resulting report called for assistance to Turkish authorities to find alternatives to the detention of children. More recently, children have been reported to be detained in removal centres in Antakya and Izmir.⁹⁰

Unaccompanied minors who apply for international protection, on the other hand, are not to be detained. Those under the age of 16 must be placed in appropriate accommodation facilities, in the care of adult family members, or with a foster family under the authority of the Ministry of Family and Social Services.⁹¹ Unaccompanied minors over the age of 16 are to be placed in “reception and accommodation centres provided that favourable conditions are ensured” (LFIP, Article 66).⁹² According to AIDA, this means that unaccompanied child who have applied for international protection “should be categorically excluded from detention.”⁹³

Children have also been impacted by Turkey’s restrictive border policies, which sometimes are carried out with deadly violence. According to Human Rights Watch, Syrian children have been among those shot at by Turkish border guards when attempting to cross into Turkey—with some children amongst those killed and injured.⁹⁴ The US State Department, citing human rights groups, has noted “credible reports” that children were among the hundreds of Syrians killed by Turkish border guards while attempting to cross into Turkey in 2018.⁹⁵ Summary, unlawful deportations have also affected children, their families, and other vulnerable groups, with authorities “expelling groups of around 100 Syrian men, women and children to Syria on a near-daily basis” since mid-January 2016. Returnees reportedly included children and pregnant women.⁹⁶

Prior to the introduction of the LFIP, there were no specific legal provisions with regards to the detention of minors. However, a 2006 Interior Ministry “implementation directive” (Security Circular No.57) defining asylum procedures under Turkey’s 1994

⁸⁹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” Council of Europe, 17 October 2017, <https://www.refworld.org/publisher,COE/CPT, TUR,59e5b55c4,0.html>

⁹⁰ Asylum Information Database (AIDA), “Turkey: Country Report, I May 2021, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

⁹¹ Law on Foreigners and International Protection (LFIP), 4 April 2013, Article 66 (1) (b) https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf

⁹² Law on Foreigners and International Protection (LFIP), 4 April 2013, Article 66 (1) (c) https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf

⁹³ Asylum Information Database (AIDA), “Turkey: Country Report,” 31 December 2020 update, p. 106, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

⁹⁴ Human Rights Watch, “Turkey/Syria: Borders Guards Shoot, Block Fleeing Syrians,” 3 February 2018, <https://www.hrw.org/news/2018/02/03/turkey/syria-border-guards-shoot-block-fleeing-syrians>

⁹⁵ US State Department, “Turkey 2018 Human Rights Report,” 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

⁹⁶ Amnesty International, “Turkey: Illegal Mass Returns of Syrian Refugees Expose Fatal Flaws in EU-Turkey Deal,” 1 April 2016, <https://www.amnesty.org/en/latest/news/2016/04/turkey-illegal-mass-returns-of-syrian-refugees-expose-fatal-flaws-in-eu-turkey-deal/>

Asylum Regulation stated that temporary asylum applications for unaccompanied minors were to be fast-tracked so that minors could be transferred to shelters of the State Child Protection Agency (SHÇEK). Today, unaccompanied children can still benefit from fast-tracked asylum processing, along with other vulnerable groups. The Circular on Combating Illegal Migration also provided for gender segregation and for children to remain with their mothers.⁹⁷

2.7 Other Vulnerable Groups.

Does the country class any groups of people as “vulnerable”?	Yes
Are these groups protected from detention?	No

The LFIP defines “persons with special needs” as unaccompanied minors, persons with disabilities, elderly persons, pregnant women, single parents with accompanying children, victims of torture, rape or other serious psychological, physical or sexual violence.⁹⁸ It does not, however, mention LGBTI persons in the list of “persons with special needs,” which observers have pointed out has resulted in difficulties for applicants raising issues about sexual orientation and gender identity in asylum interviews (ranging from inappropriate terminology, to offensive questions and verbal abuse) and in increased risks and discrimination for LGBTI persons held in detention, especially outside their assigned province.⁹⁹ In general, there are no special provisions or protection for “persons with special needs” held in removal centres. AIDA cites reports of unaccompanied children, mothers with children, pregnant women, children with disabilities, elderly persons with health conditions, LGBTI persons, sex workers and victims of trafficking being held in detention, not receiving sensitive or appropriate treatment, and in some cases being ill-treated or discriminated against.¹⁰⁰

In addition to asylum seekers and refugees, a host of other vulnerable groups face uncertainty and stark vulnerabilities in Turkey, including in particular victims of trafficking. In 2006, Turkey revised its [Criminal Code](#) to include penalties for smugglers and traffickers (Law No. 5237, Article 89). The LFIP includes the protection of “victims of human trafficking benefitting from victim support processes” from expulsion (Article 55 (1)(ç)). The law provides for the establishment of centres and shelters for victims of human trafficking, as well as for outsourcing operations at these facilities (Article 108 (1)(i)(6)). As such, Turkey reportedly provides two dedicated facilities for victims of trafficking: one run by the Directorate General for Migration Management (DGMM) in Kırıkkale with 12 spaces, and another operated

⁹⁷ Helsinki Citizens’ Assembly (HCA), “Global Detention Project Questionnaire,” *Global Detention Project*, 29 July 2011.

⁹⁸ Law on Foreigners and International Protection (LFIP), 4 April 2013, Article 3 (1) (I), https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf

⁹⁹ Asylum Information Database (AIDA), “Turkey: Country Report,” 31 December 2020 update, <https://www.asylumineurope.org/reports/country/turkey>

¹⁰⁰ Asylum Information Database (AIDA), “Turkey: Country Report,” 31 December 2020 update, <https://www.asylumineurope.org/reports/country/turkey>

by Ankara's municipality with 30 places.¹⁰¹

Despite these provisions, observers report that trafficked persons often go unidentified and are detained and deported.¹⁰² The US State Department, in its 2018 report on trafficking, found that “the government did not meet the minimum standards in several key areas. ... Civil society remained largely excluded from anti-trafficking efforts, and specialised support services for victims were limited to a government-run shelter after several NGO-run shelters closed in 2016; critics asserted civil society’s diminishing role hindered the identification and specialised care of victims.”¹⁰³ Moreover, according to AIDA, sex workers (and among them, potential victims of trafficking) are at particular risk of detention in removal centres on public order and public health grounds (LFIP, Article 57). In one judgement, the 2nd Magistrates’ Court of Aydın upheld a detention order on grounds of “public security” issued to eight foreign women who had been informally working in a night club.¹⁰⁴

Turkey has received various recommendations to improve protection of vulnerable persons. In 2012, the UN Human Rights Committee (HRC) urged the country to “protect victims of trafficking from prosecution, detention or punishment for activities they were involved in as a direct consequence of their situation as trafficked persons.”¹⁰⁵ This recommendation was repeated in 2016 by the Committee on the Protection of All Migrant Workers and Members of their Families (CMW).¹⁰⁶

2.8 Length of Detention

Maximum length of administrative immigration detention, as provided in law

Maximum length of detention of asylum seekers, as provided in law

Maximum length in custody prior to detention order

Under the LFIP, pre-removal detention can last up to one year (six initial months plus a maximum of six additional months) (Article 57 (3)).

In 2013, the Special Rapporteur on the human rights of migrants argued that this was too long a period for immigration-related detention and that monthly reviews of detention should

¹⁰¹ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

¹⁰² Helsinki Citizens’ Assembly Turkey (HCA), “Global Detention Project Questionnaire,” *Global Detention Project*, 29 July 2011; U.S. State Department, “Trafficking in Persons Report 2012,” 2012, www.state.gov/j/tip/rls/tiprpt/2012/index.htm

¹⁰³ US State Department, “2018 Trafficking in Persons Report: Turkey,” 2018 Trafficking in Persons Report, 28 June 2018, <https://www.state.gov/reports/2018-trafficking-in-persons-report/turkey/>

¹⁰⁴ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

¹⁰⁵ Helsinki Citizens Assembly (HCA), “Briefing Note on Syrian Refugees in Turkey,” 16 November 2012, www.hyd.org.tr

¹⁰⁶ Committee on the Protection of All Migrant Workers and Members of their Families (CMW), “Concluding Observations on the Initial Report of Turkey,” 31 May 2016, <https://bit.ly/30LH6kH>

ensure that migrants are not detained for prolonged periods.¹⁰⁷ In 2016, the UN Committee against Torture (CAT) similarly urged Turkey to ensure that non-nationals are not detained for “prolonged periods.”¹⁰⁸

However, the six-month extension proscribed by the law is still “systematically applied in practice.”¹⁰⁹ Those facing pre-removal detention should be transferred from a police station to a Removal Centre within 48 hours of being issued with a detention order (Article 57(2))—although in practice, detention in police stations often exceeds this time limit.¹¹⁰

According to Article 68 (5) of the LFIP, meanwhile, administrative detention during international protection proceedings is limited to 30 days. However, lawyers report that they are aware of cases where Article 68 orders are not communicated to asylum seeker detainees, meaning that they are then held for longer than 30 days, “in clear violation of the law.”¹¹¹

2.9 Procedural Standards

What basic procedural standards are required by law?	<ul style="list-style-type: none"> • Right to challenge a detention order • Right for detainees to be informed about the reason and duration of their detention, and the outcome of a review of the necessity of their detention • Right to legal counsel • Right to receive visits from lawyers, relatives, UNHCR representatives, consular officials, and NGO representatives
Are these standards routinely applied?	No

Turkish law provides various procedural safeguards for immigration detainees—although these are not always applied in reality.

Article 19 of the Turkish Constitution provides basic procedural safeguards for anyone deprived of their liberty, including in cases of “apprehension or detention of a person who enters or attempts to enter illegally into the country or for whom a deportation or extradition

¹⁰⁷ Special Rapporteur on the Human Rights of Migrants, “Report by the Special Rapporteur on the Human Rights of Migrants, François Crépeau, Mission to Turkey (25–29 June 2012), A/HRC/23/46/Add.2, “ Human Rights Council (HRC), 17 April 2013, www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx

¹⁰⁸ UN Committee against Torture (CAT), “Concluding Observations on the Fourth Periodic Reports of Turkey,” CAT/C/TUR/CO/4, 2 June 2016, <https://uhri.ohchr.org/en/document/1424e8e3-edd9-4806-be42-e6a5f5acf657>

¹⁰⁹ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

¹¹⁰ Asylum Information Database (AIDA), “Turkey: Country Report,” May 2021, <https://asylumineurope.org/reports/country/turkey/detention-asylum-seekers/legal-framework-detention/duration-detention/>

¹¹¹ Asylum Information Database (AIDA), “Turkey: Country Report,” May 2021, <https://asylumineurope.org/reports/country/turkey/detention-asylum-seekers/legal-framework-detention/duration-detention/>

order has been issued.” Everyone has the right to submit individual complaints to the Constitutional Court, which can provide an important check on rights abuses including detentions and deportations.¹¹² Although individual complaints to the Constitutional Court do not have a “suspensive effect” on deportations, an urgent interim measure can be requested that relates to an “applicant’s life, physical and moral integrity,” for example if the applicant states that there is a risk of torture should they be deported.¹¹³

The LFIP provides that detainees must be informed about the reason and duration of their detention and the outcome of the review of the necessity of detention. They also have the right to legal counsel and the right to challenge their detention (Article 57(5-6)). Lawyers, relatives, UNHCR, consular officials, and NGOs should be able visit detainees (Article 59). The decision to detain can be challenged at the competent Magistrates’ Court through a non-suspensive appeal. The decision of the Magistrates’ Court is final and cannot be appealed. However, there are no limitations on new appeals by the applicant to challenge his or her ongoing detention. Where administrative detention is found to be unlawful, the applicant can lodge a compensation claim (Tam Yargı Davası) before the Administrative Court.¹¹⁴

In practice, observers report that detainees and their lawyers rarely receive copies of their detention order and/or removal decision—due to many Removal Centre staff remaining unfamiliar with detainees’ rights.¹¹⁵ AIDA reports that in Hatay and Adana, access to files was easier in 2019 but it was difficult to get copies of necessary information. In Erzurum, people have reported being insufficiently informed of the reasons for their detention and their case. Meanwhile, although lawyers have generally been allowed to meet with immigration detainees, sources have informed the GDP that detainees have faced barriers in accessing legal assistance. There is a short supply of lawyers who are competent or interested in migration law, and most detainees cannot afford a lawyer.

According to AIDA, the poor quality of detention review by Magistrates’ Courts remains a problem. In the Izmir, Istanbul, Aydın, Hatay, Gaziantep, Adana, Kayseri and Erzurum Removal Centres, appeals against detention are rejected as a general rule. In Van appeals against administrative detention are usually rejected but in one case an Iranian client appealed against his administrative detention decision twice. The first appeal was rejected but the second appeal was accepted after a month. The reason for the acceptance was ‘detention has already taken long enough’. When the lawyer went to the removal centre to release their client they were informed that the client had been sent to the border to be deported, although the deportation was stopped at the last minute.¹¹⁶

In a rare example of a positive decision, the Magistrates’ Court of Kırklareli ruled on the case of Rida Boudraa after the applicant received the first ever interim judgement from the Constitutional Court. The Magistrates’ Court accepted the appeal on the grounds that “the applicant has a legal domicile

¹¹² M. Zoetewij, “The State of Emergency, Non-Refoulement and the Turkish Constitutional Court,” *Verfassungsblog*, 9 May 2018, <https://verfassungsblog.de/the-state-of-emergency-non-refoulement-and-the-turkish-constitutional-court/>

¹¹³ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

¹¹⁴ Asylum Information Database (AIDA), “Turkey: Country Report,” 31 December 2020 update, <https://www.asylumineurope.org/reports/country/turkey>

¹¹⁵ Asylum Information Database (AIDA), “Turkey: Country Report,” May 2021, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

¹¹⁶ Asylum Information Database (AIDA), “Turkey: Country Report,” 31 December 2020 update, <https://www.asylumineurope.org/reports/country/turkey>

and family life in Turkey and there is no risk of fleeing the country.”¹¹⁷ Similarly, in a 2018 case, the 2nd Magistrates’ Court of Edirne quashed a detention order on the basis that detention for over 6 months exceeded reasonable time limits.¹¹⁸

In 2016, the UN Committee on Migrant Workers (CMW) expressed concerns regarding the application of safeguards. In particular, the Committee noted “Reports of migrants being held in incommunicado detention, having their mobile telephones confiscated and lawyers’ and family members’ visits forbidden, in violation of article 68 (8) of the Act on Foreigners and International Protection, being subjected to humiliation, violence, torture and solitary confinement in detention and not being informed about the reasons for their detention, the duration of their stay and their rights.”¹¹⁹

2.10 Non-Custodial Measures (“Alternatives to Detention”)

Does the law require consideration of non-custodial measures as part of detention procedures?	Yes
What alternative measures are provided for in law?	<ul style="list-style-type: none"> • Residence restrictions • Reporting obligations • Family-based repatriation • Return consultancy • Working on a voluntary basis in public benefit service • Guarantee • Electronic monitoring
Are non-custodial measures used in practice?	Only residence restrictions and reporting obligations are applied, the others are rarely used.

Turkish law (LFIP Articles 57 and 71) provides for consideration of non-custodial measures as part of immigration adjudication procedures, which can include residence at a designated address and reporting requirements. However, observers contend that these measures are not widely used.

Law 7196, adopted in December 2019, added alternatives to pre-removal detention under Article 57(A) of the LFIP. These included: a) Residence at a specific address b)

¹¹⁷ Magistrates’ Court of Kırklareli, Decision 2016/2732, 24 October 2016 in Asylum Information Database (AIDA), “Turkey: Country Report,” 31 December 2020 update, <https://www.asylumineurope.org/reports/country/turkey>

¹¹⁸ 2nd Magistrates’ Court of Edirne, Decision 2018/2746, 3 July 2018 in Asylum Information Database (AIDA), “Turkey: Country Report,” 31 December 2020 update, <https://www.asylumineurope.org/reports/country/turkey>

¹¹⁹ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), “Concluding Observations on the Initial Report of Turkey,” CMW/C/TUR/CO/1, 31 May 2016, <https://uhri.ohchr.org/en/document/aa91dca7-58cd-457b-ad9b-1b03a90c852d>

Notification¹²⁰ c) Family-based repatriation¹²¹ c) Return consultancy¹²² d) Working on a voluntary basis in public benefit services¹²³ e) Guarantee¹²⁴ f) Electronic monitoring.¹²⁵ These measures shall not be applied for more than 24 months and non-compliance shall be a ground for imposing pre-removal detention. Article 57(8) LFIP inserts that a person's electronic tagging device may be examined by the authorities to establish the person's identity."¹²⁶ According to sources in Turkey, only the first two of these alternatives to detention are ever applied (residence at a specific address and reporting obligations); the other options are rarely used.¹²⁷

According to Article 68(3) of the LFIP, an individualised assessment is to be conducted in order to determine the necessity of detention, and to consider less coercive measures. Authorities must consider whether free residence in an assigned province and regular reporting duties (as per Article 71) will serve as a sufficient measure.¹²⁸

After the onset of COVID in early 2020, certain ATDs appeared to have been used more frequently in some jurisdictions. According to ECRE, "in Van people were released from removal centres, including to reduce the numbers detained there and obliged to give their signature. People were also released from the airport, due to COVID-19."¹²⁹

In addition to this, following the expiry of the maximum period of pre-removal administrative detention, authorities may also issue an Administrative Surveillance Decision (known as a "T6"), requiring an individual to regularly report to a Provincial Directorate for Migration Management (PDMM) office. An AIDA 2018 report on Turkey described this as a "concerning practice, insofar as the imposition of reporting obligations to the PDMM is introduced as an additional restriction when detention may no longer be applied, rather than an alternative to detention."¹³⁰

2.11 Detaining Authorities and Institutions

Does the law call for specialised immigration detention centres?

Yes

¹²⁰ This requires migrants to regularly report to a removal centre or migration department to sign a document at least once or twice a week, this can be very burdensome and require travel of long distances.

¹²¹ This would entail returning a family to their country of origin, rather than holding them in detention.

¹²² This entails counselling migrants on how they can return to their own countries.

¹²³ This would entail permitting adult migrants to perform voluntary service in the public sector, rather than being held in detention.

¹²⁴ Such as paying bail money.

¹²⁵ Such as electronic tags.

¹²⁶ Asylum Information Database (AIDA), "Turkey: Country Report," May 2021, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

¹²⁷ Dilara Karaagac (International Refugee Rights Association), E Mail Communication with Rachael Reilly (Global Detention Project), Geneva, Switzerland, 14 October 2021

¹²⁸ Asylum Information Database (AIDA), "Turkey: Country Report," 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

¹²⁹ Asylum Information Database, "Country Report: Turkey: 2020," ECRE, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

¹³⁰ Asylum Information Database (AIDA), "Turkey: Country Report," 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

Does the country operate specialised immigration detention centres?

Yes

Control of Turkey's borders is the principal responsibility of the Turkish armed forces, although the gendarmerie (under the Interior Ministry) also administers rural areas and borders.¹³¹ The National Police, meanwhile, is responsible for security in large urban areas.¹³²

Until 2010, the Department of Foreigners, Borders and Asylum of the National Police issued deportation decisions and transmitted them to the relevant provincial Foreigners Police; however, no separate instructions were issued for detention either before or after a deportation instruction was issued.¹³³ The 2010 Circular on Combating Illegal Migration provided that "illegal" migrants could be apprehended by the Provincial Security Directorate (police), gendarmerie, and coastguard. However, once apprehended they were to be promptly handed over to the Foreigners' Department of the Provincial Security Directorate.¹³⁴

The LFIP stipulates that "law enforcement units" can apprehend people for immigration-related reasons (Article 57). The law shifted all implementation regarding migration and international protection, including the issuing of deportation decisions and oversight of removal centres, from the police to the local offices of the Directorate General for Migration Management (DGMM) in each provincial governorate. According to Article 103 of the law, the DGMM is to implement migration policies and strategies; ensure coordination among relevant institutions and organisations; and carry out the tasks and procedures related to foreigners' entry into, stay in, and exit from Turkey, as well as their deportation.

The LFIP does not have specific provisions designating detention centres. However, Regulation No. 28980 on the Establishment and Operations of Reception and Accommodation Centres and Removal Centres (hereon, the Removal Centres Regulation) (22 April 2014) provides that all removal centres operate under the administration of the Directorate General for Migration Management (DGMM), and each centre has its own director.¹³⁵

Observers contend that although LFIP distinguishes between removal and asylum related detention (as per Article 57 and 68) in practice people seeking international protection are detained in removal centres.¹³⁶

¹³¹ Human Rights Watch (HRW), "Turkey: Mass Deportations of Syrians," 22 March 2018, <https://www.hrw.org/news/2018/03/22/turkey-mass-deportations-syrians>

¹³² US State Department, "Turkey 2018 Human Rights Report," 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

¹³³ Helsinki Citizens' Assembly Turkey (HCA), "Global Detention Project Questionnaire," Global Detention Project, 21 December 2011.

¹³⁴ Helsinki Citizens' Assembly (HCA), "Global Detention Project Questionnaire," Global Detention Project, 29 July 2011.

¹³⁵ Article 11, Regulation No. 28980 on the Establishment and Operations of Reception and Accommodation Centres and Removal Centres (Removal Centres Regulation), 22 April 2014.

¹³⁶ Asylum Information Database, "Country Report: Turkey: 2020," ECRE, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

2.12 Regulation of Detention Conditions and Regimes.

Does the country use prisons for immigration detention?	Yes
Does the country have regulations establishing minimum conditions and treatment in detention?	Yes

The LFIP does not have specific provisions concerning detention conditions. Instead, conditions are outlined in Regulation No. 28980 on the Establishment and Operations of Reception and Accommodation Centres and Removal Centres (hereon, the Removal Centres Regulation) (22 April 2014). According to this regulation, all removal centres operate under the administration of the Directorate General for Migration Management (DGMM), and each centre has its own director.¹³⁷

Article 4 of the Removal Centres Regulation sets out a list of nine principles that are to be observed in removal centres across the country: 1. Protection of the right to life; 2. Maintenance of a human-centred approach; 3. Observing the best interest of the unaccompanied child; 4. Priority to applicants with special needs; 5. Confidentiality of personal information; 6. Informing persons concerned about the operations that are to be performed; 7. Social and psychological strengthening; 8. Respect for the freedom of belief and worship; and 9. Providing services to residents without discrimination based on language, race, colour, sex, political thought, philosophical belief, religion, sect, or any other similar reasons.¹³⁸

Article 14 of the Removal Centres Regulation also obliges removal centres to provide accommodation, food, security, and emergency and basic healthcare (including psychological and social support) to detainees.

2.13 Domestic Monitoring

Do NGOs attempt to monitor migration-related detention sites?	Yes
Has the country established a National Preventive Mechanism (NPM)?	Yes

Monitoring immigration detention operations in Turkey is severely hampered by the fact that both national and international observers lack access to sites of detention¹³⁹ and the Removal Centres Regulation does not provide NGOs access to removal centres.¹⁴⁰

¹³⁷ Article 11, Regulation No. 28980 on the Establishment and Operations of Reception and Accommodation Centres and Removal Centres (Removal Centres Regulation), 22 April 2014.

¹³⁸ Article 4, Regulation No. 28980 on the Establishment and Operations of Reception and Accommodation Centres and Removal Centres (Removal Centres Regulation), 22 April 2014.

¹³⁹ US State Department, "Turkey 2018 Human Rights Report," 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

¹⁴⁰ Asylum Information Database (AIDA), "Turkey: Country Report," 16 March 2019, p.94, <https://www.asylumineurope.org/reports/country/turkey>

According to reports from observers such as Amnesty International and Human Rights Watch, there is a lack of oversight when refugees and asylum seekers are arrested, transferred to removal centres, and deported. While there are Turkish NGOs that attempt to monitor the country's detention operations, assist detainees, and advocate for reforms, there are no established protocols with the DGMM permitting them access.¹⁴¹

Turkey has ratified the [Optional Protocol to the UN Convention against Torture \(OPCAT\)](#) and established a National Preventive Mechanism (NPM). In 2014, it designated its recently established National Human Rights Institution (NHRI), the [Human Rights and Equality Institution of Turkey](#), as its NPM under OPCAT by means of a cabinet decree published in the Official Gazette on 28 January.¹⁴² As of January 2021, the Global Alliance for National Human Rights Institutions (GANHRI) had yet to provide the NHRI with accreditation as independent in accordance with the Paris Principles.¹⁴³ In 2018, the NPM visited several removal facilities, and made its findings public.¹⁴⁴

In 2017, in line with Article 16 of the Removal Centres Regulation, the DGMM instructed all mayoralities managing a removal centre to establish Migration Commissions tasked with regularly visiting centres. While the composition of these commissions varies from mayoralty to mayoralty, they are generally comprised of experts, academics, civil society, officials from health and education institutions, and municipality representatives.¹⁴⁵ According to the Asylum Information Database (AIDA), as of July 2021 there was “not enough information to know whether these commissions are active or not.”¹⁴⁶

2.14 International Monitoring

Has the country ratified the Optional Protocol to the Convention against Torture (OPCAT)?	Yes
Does the country receive visits from the Subcommittee on Prevention of Torture (SPT)?	Yes
Has the country received comments from international human rights mechanisms regarding its immigration detention practices?	Yes

Numerous international and regional human rights mechanisms have investigated Turkish

¹⁴¹ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, p.94, <https://www.asylumineurope.org/reports/country/turkey>

¹⁴² Association for the Prevention of Torture (APT), “Turkey – OPCAT Situation,” 5 February 2014, www.ap-t.ch/en/opcat_pages/opcat-situation-75/

¹⁴³ Global Alliance for National Human Rights Institutions, “Accreditation Status as of 20 January 2021,” 20 January 2021, <https://ganhri.org/wp-content/uploads/2021/01/Status-Accreditation-Chart-as-of-20-01-2021.pdf>

¹⁴⁴ Human Rights and Equality Institution of Turkey, “*Kayseri Geri Gönderme Merkezi Ziyareti*,” 2018, https://www.tihek.gov.tr/upload/file_editor/2019/02/1551179762.pdf

¹⁴⁵ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

¹⁴⁶ Asylum Information Database (AIDA), “Turkey: Country Report,” May 2021, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

detention policies and practices.¹⁴⁷ Although access by some international observers appears to have been limited in the wake of the 2016 coup attempt,¹⁴⁸ bodies such as the European Committee for the Prevention of Torture (CPT) have made multiple visits to the country since 2016.¹⁴⁹

While the Removal Centres Regulation does not provide UNHCR access to removal centres,¹⁵⁰ in the past UNHCR has reported being able to conduct visits to some temporary reception centres, but without “regular, unfettered access,” and has had “intermittent and unpredictable access to detention and removal centres where non-Syrians returned to the country from Greece were detained.”¹⁵¹ After adoption of the EU-Turkey deal in 2016, UNHCR expressed concerns in a letter that the UN agency did not “benefit ... from unhindered and predictable access to pre-removal centres in Turkey and to the Duzici (sic) reception centre.”¹⁵² The letter stated that UNHCR representatives needed to apply five working days in advance, which did not allow for “timely monitoring,” while also reporting difficulties in tracking and therefore monitoring and/or visiting individuals returned from Greece. The EU has not put in place a mechanism for monitoring returnees.

Turkey has been repeatedly criticised by international rights bodies for detention conditions and has been regularly encouraged to make various reforms. In 2017, the CPT visited several Removal Centres in Istanbul and Izmir. In its ensuing report, the Committee welcomed the fact that several sub-standard detention facilities previously highlighted following its 2015 ad hoc visit¹⁵³ had been shut. However the Committee also noted that it had received allegations from detainees of ill-treatment and verbal abuse by some centre staff; that it had observed excessively restrictive detention regimes that were “far more restrictive than that offered to prisoners in Turkish prisons”; that it had observed the detention of children in conditions that “may have serious negative psychological consequences on their mental health and development and could be considered as inhuman and degrading treatment”; and that structural deficiencies remained in holding rooms in the

¹⁴⁷ In 1994, after one of its first visits to Turkey, the CPT highlighted the widespread use of police stations for immigration-related detention and urged authorities to establish specialised facilities. Turkey responded to this recommendation stating that while it would take it into consideration, it regarded its current facilities—which at the time were holding rooms in Foreigners Police Bureaus—to be specialised. For the CPT, however, a key problem with these facilities was that they lacked specially trained staff to handle immigration detainees.

¹⁴⁸ According to reports, Turkish authorities allowed prison visits by some observers, including members of parliament, in 2018. However, there were reportedly “no visits by an international body to the country’s prisons during the year.” See: US State Department, “Turkey 2018 Human Rights Report,” 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

¹⁴⁹ Council of Europe, “Council of Europe Anti-Torture Committee Publishes Two Reports on Turkey,” 5 August 2020, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-two-reports-on-turkey>; Council of Europe, “Council of Europe Anti-Torture Committee Visits Turkey,” 27 January 2021, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-turk-3>

¹⁵⁰ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, p.94, <https://www.asylumineurope.org/reports/country/turkey>

¹⁵¹ US State Department, “Turkey 2018 Human Rights Report,” 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

¹⁵² UN High Commissioner for Refugees (UNHCR) Representative in Greece, “Response to Query Related to UNHCR’s Observations of Syrians Readmitted to Turkey, GREAT/HCR/973,” 23 December 2016, <http://www.statewatch.org/news/2017/jan/unhcr-letter-access-syrians-returned-turkey-to-greece-23-12-16.pdf>

¹⁵³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015,” CPT/Inf (2017) 32, Council of Europe, 17 October 2017, <https://rm.coe.int/pdf/168075ec0a>

(now closed) Istanbul Atatürk Airport.¹⁵⁴ During subsequent visits to Turkey in 2019 and 2021, the Committee did not visit immigration detention facilities.¹⁵⁵

During his visit in June 2012, the Special Rapporteur on the human rights of migrants stressed that the systematic detention of irregular migrants, including persons unlikely to be removed as well as children and families, should be avoided. He advocated for the use of non-custodial alternatives to detention and urged for improvements to be made in terms of access to medical care, adequate food, good hygiene conditions, and interpreters. The rapporteur also recommended that access by lawyers, civil society organisations, UNHCR, and other international bodies be assured for detainees in all facility types—including the transit zone at the (now closed) Istanbul Atatürk Airport. To help prevent abuses, the rapporteur also added that police officers and others working in detention facilities should receive human rights trainings.¹⁵⁶

During Turkey's third cycle of the Universal Periodic Review (UPR) in 2020, several states issued recommendations relevant to the country's detention and deportation practices. These included the need to review and assess the country's immigration laws and policies to ensure that migrants' rights are safeguarded (Philippines, (45.292)); the need to strengthen access to legal assistance and interpretation for asylum seekers at border points and "migration centres" (Mexico, (45.301)); and the need to ensure that the return of refugees is compliant with international law (Albania, (45.300)).¹⁵⁷

In 2016, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment visited Turkey and reported that the Foreign Affairs Ministry facilitated visits to detention facilities "in full compliance with the terms of reference for fact-finding missions by special procedures mechanisms." However, he added, the relatively short visit (of five days as opposed to the more customary 10-14 days) meant that other aspects of the post-coup aftermath, as well as Turkish-PKK violence in south-eastern Turkey "could not be examined with sufficient rigour."¹⁵⁸ This included the situation of refugees, asylum seekers, and migrants in detention.

In May 2021, the UN Working Group on Arbitrary Detention (WGAD) issued a ruling on the case of Nasibe Shamsaei, an Iranian national who was held in solitary confinement in Iran and later in immigration detention in Turkey. Ms Shamsaei was arrested and imprisoned in

¹⁵⁴ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or punishment (CPT), "Report to the Turkish Government on the Visit to Turkey Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or punishment (CPT) from 10 to 23 May 2017," CPT/Inf (2020) 22, <https://rm.coe.int/16809f209e>

¹⁵⁵ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or punishment (CPT), "Report to the Turkish Government on the Visit to Turkey Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or punishment (CPT) from 6 to 17 May 2019," CPT/Inf (2020) 24, <https://rm.coe.int/16809f20a1>; Council of Europe, "Council of Europe Anti-Torture Committee Visits Turkey," 27 January 2021, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-turk-3>

¹⁵⁶ Special Rapporteur on the Human Rights of Migrants, "Report by the Special Rapporteur on the Human Rights of Migrants, François Crépeau, Mission to Turkey (25–29 June 2012), A/HRC/23/46/Add.2," Human Rights Council (HRC), 17 April 2013, www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx

¹⁵⁷ UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review," A/HRC/44/13, 24 March 2020, <https://undocs.org/A/HRC/44/14>

¹⁵⁸ UN Human Rights Council (HRC), "Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on his Mission to Turkey, 37th Session, A/HRC/37/50/Add.1," 18 December 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/362/52/PDF/G1736252.pdf?OpenElement>

Iran in 2019 for having participated in political protests. After a court hearing, her case was suspended for five years and she was released on parole in October 2019. However, when she subsequently learned that the prosecutor had overturned the five year parole and re-issued a 12 year prison sentence, Ms Shamsaei fled to Turkey in May 2020. On 5 November 2020, Ms Shamsaei was arrested at Istanbul airport trying to escape Turkey for another European country on a fake passport and was transferred to Erdine removal centre.

In her submission to the WGAD, Ms Shamsaei claimed that her detention in Turkey was a violation of her right to seek asylum under Article 14 of the UDHR (Category II violation under the WGAD); a violation of her right to legal defense under Article 14 (3) (d) of the International Covenant on Civil and Political Rights (ICCPR) as she had been unable to contact her lawyer while she was in Erdine removal centre (Category III violation under WGAD); and a violation of her right not to be held in prolonged detention without a judicial or administrative review (Category IV violation under the WGAD).

In its ruling, the WGAD determined that the detention of Ms Shamsaei in Iran was indeed arbitrary. However, it ruled that Ms Shamsaei's detention in Turkey did not amount to arbitrary detention. The WGAD concluded that Ms Shamsaei had not entered Turkey with the intention to seek asylum in Turkey, but instead to transit to another country, and that she was not arrested and detained for seeking asylum, but for entering Turkey illegally on a forged passport. The WGAD therefore did not uphold the Category II violation. The WGAD also rejected Ms Shamsaei's claims that her rights under Category III were violated, referring to the Turkish government's evidence that Ms Shamsaei had been provided with an interpreter and offered legal assistance. The WGAD also dismissed Ms Shamsaei's claim that she had been held in prolonged detention without the right to a judicial or administrative review of her case (Category IV violation). They pointed to the fact that the Turkish authorities had arrested and detained Ms Shamsaei for entering the country illegally on a false passport with the aid of people smugglers and that following a review of her case she had been released from detention after one month, as proof that her detention was neither disproportionate nor unnecessarily prolonged.¹⁵⁹

2.15 Transparency and Access to Data

Is there a publicly accessible official list of currently operating detention centres?	Yes
Does the country provide annual statistics of the numbers of people placed in migration-related detention?	No

Some statistics regarding the apprehension of non-nationals, and information on their countries of origin, are accessible on the Directorate General for Migration Management's (DGMM) website.¹⁶⁰ A public list of removal centres can also be found on the DGMM website.¹⁶¹ However, these statistics do not include information regarding the numbers placed in detention, the numbers of people applying for international protection from

¹⁵⁹ Opinions adopted by the Working Group on Arbitrary Detention at its ninetieth session, 3–12 May 2021 Opinion No. 15/2021 concerning Nasibe Shamsaei (Islamic Republic of Iran and Turkey) https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session90/A_HRC_WGAD_2021_15.pdf

¹⁶⁰ Directorate General for Migration Management, "Irregular Migration," accessed 30 July 2021, <https://en.goc.gov.tr/irregular-migration>

¹⁶¹ Directorate General for Migration Management, "Removal Centres", <https://en.goc.gov.tr/removal-centres>

detention, or the numbers deported.

Observers contend that this lack of transparency reflects a broader deterioration in Turkey with respect to independent research, civil society work, and activism on the rights of refugees, asylum seekers, and migrants in the country since the failed coup attempt of July 2016. International organisations, including UN agencies such as UNHCR, also report that monitoring and access to removal centres became more difficult after the finalisation of the EU-Turkey refugee deal in 2016.

2.16 Trends and Statistics

Immigration detainee population	Not available
Average length of detention	Not available
Number of apprehensions of non-nationals	122,302 (2020)
Number of asylum seekers	322,188 (2020)
Number of refugees	3,652,362 (2020)

According to the Directorate General for Migration Management (DGMM), a total of 122,302 non-nationals were apprehended in 2020. This was a significant decrease from 2019, when the DGMM reported the apprehension of 454,662 non-nationals. Of those apprehended in 2020, the top country of origin was Afghanistan, followed by Syria and Pakistan.¹⁶² Statistics detailing the number of non-nationals in detention, however, are unavailable (for more, see: 2.15 Transparency and Access to Information).

In 2020, UNHCR reported the presence of 3,974,550 persons of concern in the country—of whom 3,652,362 were refugees and 322,188 were asylum seekers.¹⁶³

2.17 Externalisation, Readmission, and Third-Country Agreements

Countries with which Turkey has readmission agreements in place	<ul style="list-style-type: none">• EU• Greece• Ukraine• Syria• Romania• Georgia• Spain• Kyrgyzstan• Bosnia and Herzegovina, Pakistan, Russia, Nigeria,
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¹⁶² Directorate General for Migration Management, “Irregular Migration,” accessed 30 July 2021, <https://en.goc.gov.tr/irregular-migration>

¹⁶³ UN High Commissioner for Refugees (UNHCR), “Global Focus: Turkey,” accessed 30 July 2021, <https://reporting.unhcr.org/turkey>

Since Turkey's accession process kicked off in 2005, the European Union (EU) has put increasing pressure on the country to interdict irregular migrants transiting the country en route to Europe.¹⁶⁴

In 2005, the EU and Turkey established an Action Plan for Asylum and Migration, which contained legislation and development projects aimed at aligning Turkey's asylum and migration system with EU legislation.¹⁶⁵ Several years later, a Turkey-EU readmission agreement signed in December 2013 ("[Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation](#)") obliged Turkey, three years after the agreement entered into force, to accept the return of third-country nationals as well as stateless persons. In exchange, Turkey would receive further EU financial and technical assistance to bolster its border police and install border surveillance equipment.¹⁶⁶ A key vehicle used to influence Turkish immigration policies was also the European Commission's "twinning system," established to support efforts by EU candidate states to restructure their public institutions and incorporate EU legislation. Such twinning projects saw EU funding channelled into removal centres,¹⁶⁷ as well as reception centres.¹⁶⁸

In June 2018, the Council of the European Union raised concerns about the

¹⁶⁴ Helsinki Citizens' Assembly (HCA), "Detention of Migrants in Turkey," Presentation, Hearing at the European Parliament, Strasbourg, 14 January 2009.

¹⁶⁵ Government of Turkey, "(24) Justice, Freedom and Security Bilateral Screening with Turkey (13-15 February 2006): Replies to Issues and Questions Posed to the Turkish Authorities by the European Commission," European Commission; Helsinki Citizens' Assembly (HCA), "Unwelcome Guests: The Detention of Refugees in Turkey's 'Foreigners' Guesthouses," November 2007.

¹⁶⁶ Committee on Civil Liberties, Justice and Home Affairs (LIBE), "Clandestine Migrants: Civil Liberties Committee Backs EU-Turkey Readmission Agreement," *European Parliament*, 22 January 2014, www.europarl.europa.eu/news/en/news-room/content/20140120IPR33181/html/Clandestine-migrants-Civil-Liberties-Committee-backs-EU-Turkey-return-agreement

¹⁶⁷ Under a 2007 Twinning project—titled "Support to Turkey's Capacity in Combating Illegal Migration and Establishment of Removal Centres for Illegal Migrants"—the EU agreed to provide 15,000,000 EUR towards the establishment of at least two Removal Centres and development of standards for their management by 2012. This project aimed to "provide a better capacity to cope with illegal migration" and create centres devoted to "the purpose of controlling the illegal migrants to be removed" that would serve as models for future facilities. For more information, see: European Commission (EC), "Twinning: Support to Turkey's Capacity in Combating Illegal Migration and Establishment of Removal Centres for Illegal Migrants, Twinning Project No. TR 07 02 16;" Commissioner for Human Rights of the Council of Europe (CHR), "Report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe Following his Visit to Turkey on 28 June-3 July 2009: Issue Reviewed: Human Rights of Asylum Seekers and Refugees, CommDH(2009)31," Council of Europe, 1 October 2009.

¹⁶⁸ A second 2007 twinning project entitled "Establishment of a Reception, Screening and Accommodation System (Centres) for asylum seekers and refugees" covered the "functioning of up to seven well-structured reception centres." It included a 47 million EUR EU contribution and referred to "removal" as well as "reception" centres."

“continuing and deeply worrying backsliding on the rule of law and on fundamental rights including the freedom of expression”¹⁶⁹ in Turkey. These concerns had already presented problems for Turkey's accession talks with the EU. In March the same year, the European Parliament approved a resolution recommending that the European Commission and Council of the European Union “in accordance with the Negotiating Framework, formally suspend the accession negotiations with Turkey.”¹⁷⁰

However, key areas including security, economic relations, and migration will likely guarantee an ongoing relationship that benefits both sides.¹⁷¹ Despite concerns raised about the rights and safeguards for refugees, asylum seekers, and migrants either in Turkey, or who are liable to be returned to Turkey, migration remains a particular priority for the EU, and it is thus likely that cooperation between the European bloc and Turkey will continue. Indeed, while the EU spoke out about dire rights violations in Turkey after the failed coup attempt, it nevertheless stated that “continuing the migration deal remained the EU’s paramount objective.”¹⁷²

Two set-pieces of current EU-Turkey cooperation on migration management can be found in the form of the Action Plan on Migration and the [EU-Turkey deal](#). Under the March 2016 EU-Turkey deal, it was agreed that all migrants and asylum seekers who arrived on Greek islands¹⁷³ after 20 March 2016 would be liable to return to Turkey.¹⁷⁴ For every migrant or asylum seeker returned to Turkey, the EU would resettle one Syrian from Turkey. Turkey was also promised various incentives, including six billion EUR, the lifting of EU visa requirements for its nationals, and the

¹⁶⁹ Council of the European Union, “Enlargement and Stabilisation and Association Process - Council Conclusions, 10555/18,” 26 June 2018, <https://www.consilium.europa.eu/media/35863/st10555-en18.pdf>

¹⁷⁰ European Parliament, “European Parliament Resolution of 13 March 2019 on the 2018 Commission Report on Turkey,” 13 March 2019, [http://www.europarl.europa.eu/doceo/document/TA-8-2019-0200_EN.html?redirect;M. Pierini, “Options for the EU-Turkey Relationship,” *Carnegie Europe*, 3 May 2019, <https://carnegieeurope.eu/2019/05/03/options-for-eu-turkey-relationship-pub-79061>](http://www.europarl.europa.eu/doceo/document/TA-8-2019-0200_EN.html?redirect;M.Pierini,%20Options%20for%20the%20EU-Turkey%20Relationship,%20Carnegie%20Europe,%203%20May%202019,%20https://carnegieeurope.eu/2019/05/03/options-for-eu-turkey-relationship-pub-79061)

¹⁷¹ M. Pierini, “Options for the EU-Turkey Relationship,” *Carnegie Europe*, 3 May 2019, <https://carnegieeurope.eu/2019/05/03/options-for-eu-turkey-relationship-pub-79061>

¹⁷² Human Rights Watch (HRW), “Turkey: Events of 2018,” *World Report 2019*, 2019, <https://www.hrw.org/world-report/2019/country-chapters/turkey>

¹⁷³ For more on detention conditions in Greece following the EU-Turkey deal, see: Global Detention Project, “Immigration Detention in Greece: Stranded in Aegean Limbo,” January 2019, <https://www.globaldetentionproject.org/countries/europe/greece>

¹⁷⁴ To implement the EU agreement with Turkey, Greece converted reception centres on five Aegean Islands into closed (or “secure”) facilities and adopted a policy of “geographical restriction.” Pursuant to this measure, migrants and asylum seekers are today no longer transferred to the Greek mainland. Rather, they are obliged to remain on the island on which they are initially registered and undergo a fast-track border procedure to determine whether Turkey is a “safe country” for them. However, due to administrative delays, many migrants and asylum seekers find themselves stranded on the Aegean islands for months. Numerous reports have denounced appalling conditions in the centres, including severe overcrowding, insufficient food supply and medical care, and a lack of protection from violence.

resumption of the accession process.¹⁷⁵ Despite justifying the return of migrants and asylum seekers in referring to the “safe third country” principle, observers immediately highlighted that Turkey did not fulfil the criteria to be considered safe for refugees, in part because of its refusal to grant full refugee status to non-European refugees.¹⁷⁶

The EU-Turkey deal involved coordination with various levels of European institutions, and a steering committee—chaired by the European Commission with Greece, the European Asylum Support Office (EASO), Frontex, Europol, and representatives of the Council Presidency, France, the United Kingdom, and Germany—was formed to oversee implementation of the agreement.¹⁷⁷ EASO and Frontex deployed officers to oversee readmission aspects of the deal, and the European Coast Guard coordinated with both Greek and Turkish border authorities. The Turkish coastguard was said to be continuing “active patrolling and prevention of departures from Turkey” more than two years after the deal came into force.¹⁷⁸

EU support has bolstered the number and capacity of detention facilities, or removal centres. Indeed, in 2018, the country’s detention capacity in removal centres doubled.¹⁷⁹ Six facilities originally intended for reception of international protection applicants, made possible through EU funding, were later “re-purposed to serve as removal centres” after the EU-Turkey Action Plan on Migration and EU-Turkey deal.¹⁸⁰ At the time of writing, seven facilities are also planned to open with EU support (the Directorate General for Migration Management’s (DGMM) website refers to them as “EU project centres.”)¹⁸¹ (see 3.1 Detention Infrastructure: Summary).

¹⁷⁵ Visa-free travel for Turkish nationals has long been a goal of the Turkish government in its engagements with the EU. During negotiations over the 2013 readmission agreement and later, at the finalisation stage, Turkey made the signing, ratification, and future implementation of the agreement directly conditional on progress towards a visa-free regime between Turkey and EU. A “visa dialogue” was launched between the two sides on the same day the readmission agreement was signed, however talks over accession and visa-free regimes have been stalled by political controversy within Europe over Turkey’s candidacy as well as widespread repression in the wake of the failed July 2016 coup attempt. For more information, see: *Deutsche Welle*, “European Parliament Votes to Suspend Turkey’s EU Membership Bid,” 13 March 2019, <https://www.dw.com/en/european-parliament-votes-to-suspend-turkeys-eu-membership-bid/a-47902275>; Oktay Durukan (Helsinki Citizens’ Assembly Turkey), Notes on draft detention profile, Global Detention Project, 3 April 2014.

¹⁷⁶ Amnesty International, “The EU-Turkey Deal: Europe’s Year of Shame,” March 2017, <https://www.amnesty.org/en/latest/news/2017/03/the-eu-turkey-deal-europes-year-of-shame/>; I. Majcher, “Border Securitization and Containment vs. Fundamental Rights: The European Union’s ‘Refugee Crisis,’” *Georgetown Journal of International Affairs*, March 2017, <https://www.georgetownjournalofinternationalaffairs.org/online-edition/border-securitization-and-containment-vs-fundamental-rights-the-european-unions-refugee-crisis>

¹⁷⁷ European Commission (EC), “Implementing the EU-Turkey Statement – Questions and Answers,” 8 December 2016, http://europa.eu/rapid/press-release_MEMO-16-4321_en.htm

¹⁷⁸ European Commission (EC), “Report from the Commission to the European Parliament, the European Council and the Council: Seventh Report on the Progress Made in the Implementation of the EU-Turkey Statement, COM (2017) 470 final,” 6 September 2017, <https://bit.ly/2h2hev3>

¹⁷⁹ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

¹⁸⁰ Deportation Monitoring Aegean, “Surrendered to Harmandalı Removal Prison – How EU Policies Lead to Expulsion and Maltreatment of Migrants Deported to Turkey,” 4 June 2019, <https://bit.ly/2mfJQQ5>

¹⁸¹ Directorate General for Migration Management (DGMM), “Removal Centres,” 2 July 2019, https://www.goc.gov.tr/icerik6/removal-centers_915_1024_10105_icerik

At the same time, numerous official European bodies have repeatedly raised concerns about the detention of third-country nationals returned to Turkey, concerns which pre-date the EU-Turkey refugee deal. In 2010, the Parliamentary Assembly of the Council of Europe recommended that “member states and the European Union only negotiate and apply readmission agreements with regard to countries that respect human rights and those that have a functioning asylum system in place,”¹⁸² prompting advocates to argue that Turkey failed in fulfilling this criteria due to its lack of a functioning asylum system. In 2013, the country was an important target for an EU readmission agreement, however human rights defenders quickly warned that a lack of substantial safeguards concerning the treatment of third-country nationals upon readmission would perhaps lead to arbitrary detention.¹⁸³ Such concerns have been borne out in how Turkish authorities have detained both Syrian and non-Syrian asylum seekers returned from Greece since March 2016, and also massively upscaled detentions (such as of Afghan nationals) without reportedly giving individuals access to international protection or temporary protection procedures.

Aside the EU, Turkey also has readmission agreements in place with several countries, including Greece.¹⁸⁴ In 2010, under the existing bilateral readmission protocol between Greece and Turkey the two countries agreed to designate daily contact points among law enforcement staff for the smooth implementation of the protocol.¹⁸⁵

In June 2021 Greece unilaterally announced that it considered Turkey to be a “safe third country” to which asylum seekers from Afghanistan, Syria, Pakistan, Somalia, and Bangladesh, countries from which 70 percent of asylum seekers in Greece originate, could be safely returned.¹⁸⁶ Since that time, nearly all asylum seekers from these countries who entered Greece through Turkey have had their cases rejected by the Greek authorities and

¹⁸² Committee on Migration, Refugees and Population (PACE), “Readmission Agreements: A Mechanism for Returning Irregular Migrants,” *Parliamentary Assembly, Council of Europe*, 17 March 2010, <https://www.refworld.org/docid/4bdadc1c3.html>

¹⁸³ Euro-Mediterranean Human Rights Network (Euromedrights), “An EU-Turkey Readmission Agreement-Undermining the Rights of Migrants, Refugees and Asylum Seekers?” 20 June 2013, www.euromedrights.org/eng/2013/06/20/an-eu-turkey-readmission-agreement-undermining-the-rights-of-migrants-refugees-and-asylum-seekers/

¹⁸⁴ Turkey reportedly also has bilateral agreements linked to readmission with Ukraine (since 1998), Syria (since 2003), Romania (since 2004), Georgia (since 2005), Spain, and Kyrgyzstan (since 2009). Other agreements have been signed but not ratified with Bosnia and Herzegovina (2002), Pakistan (2010), Russia, Nigeria (2011), Belarus, Moldova (2012), and Afghanistan (2018). For more information, see: Return Migration and Development Platform (RDP), “Turkey’s Bilateral Agreements Linked to Readmission,” *European University Institute, Robert Schuman Centre for Advanced Studies*, February 2013, rsc.eui.eu/RDP/research/analyses/ra/turquie/; Amnesty International, “Turkey: Thousands of Afghans Swept Up in Ruthless Deportation Drive,” 24 April 2018, <https://www.amnesty.org/en/latest/news/2018/04/turkey-thousands-of-afghans-swept-up-in-ruthless-deportation-drive/>

¹⁸⁵ European Commission (EC), “Commission Staff Working Document: Turkey 2011 Progress Report Accompanying the Document Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2011-2012, SEC(2011) 1201 final,” European Commission, 12 October 2011, ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf

¹⁸⁶ European Council on Refugees and Exiles (ECRE) News, “Greece: While the Designation of Turkey as Safe Country and Pushbacks Undermine Protection in Greece, the Country is Criticised for not Preventing Secondary Movement,” 11 June 2021, <https://ecre.org/greece-while-the-designation-of-turkey-as-safe-country-and-pushbacks-undermine-protection-in-greece-the-country-is-criticised-for-not-preventing-secondary-movement/>

they have been deported back to Turkey.¹⁸⁷ Refugee rights NGOs have stated that there is “no possible legal argument” for declaring Turkey a safe country¹⁸⁸ and the decision by Greece was “an abusive and dangerous misapplication of the safe third country concept provided under EU law.”¹⁸⁹ On 25 August 2021, the Greek Appeals Committee ruled that a vulnerable Afghan family could not be returned to Turkey as it was not considered a “safe third country.”¹⁹⁰

The country is also a key partner for [Frontex](#), the EU's border agency. In May 2012, a [Memorandum of Understanding](#) was signed—known as a “working arrangement” according to Frontex rubric, the agreement was intended to enhance operational cooperation between Turkey and Europe on border control, including participation in training activities and in joint operations, the deployment of Frontex experts to Turkey, and a more organised exchange of information and risk analysis.¹⁹¹ A Cooperation Plan was then signed between the Turkish Foreign Affairs Ministry and Frontex in February 2014 to further bolster cooperation.¹⁹²

Since then, cooperation between Turkey and Frontex has continued to grow, particularly since the 2015 Action Plan and March 2016 EU-Turkey deal. Frontex's Operation Poseidon oversees the interception of irregular migrants in the Aegean Sea, between Greece and Turkey, and approximately 600 Frontex officers “perform border surveillance and assist in the identification and registration of incoming migrants, as well as debriefing and screening.”¹⁹³ In 2016, Turkey sent a Frontex Liaison Officer (FLO) to Ankara, part of a broader push to host liaison officers in key non-EU countries.¹⁹⁴ A 2016-2019 5.5 million EUR multi-country fund to Balkan countries and Turkey, overseen by Frontex, the EASO, IOM, and UNHCR, was also established to bolster the capacity of seven pre-accession states. Tasks under the fund included screening of irregular migrants, registration of mixed migration flows, and streamlining referral mechanisms into national asylum systems, as well as

¹⁸⁷ Katy Fallon, “Greece Will Not be ‘Gateway’ to Europe for Afghans Fleeing Taliban, Say Officials”, 26 August, 2021, *The Guardian*, <https://www.theguardian.com/global-development/2021/aug/26/greece-will-not-be-gateway-to-europe-for-afghansfleeing-taliban-say-officials>

¹⁸⁸ European Council on Refugees and Exiles, “Joint Statement on Current Priorities for an EU Response to the Situation in Afghanistan”, 25 August, 2021, <https://ecre.org/joint-statement-current-priorities-for-an-eu-response-to-the-situation-in-afghanistan/>

¹⁸⁹ Katy Fallon, “Greece Will Not be ‘Gateway’ to Europe for Afghans Fleeing Taliban, Say Officials”, *The Guardian*, 26 August, 2021, <https://www.theguardian.com/global-development/2021/aug/26/greece-will-not-be-gateway-to-europe-for-afghans-fleeingtaliban-say-officials>

¹⁹⁰ 22 ΚΟΙΝΩΝΙΑ Προσφυγικό: Ανατρεπτική απόφαση για Αφγανούς <https://www.kathimerini.gr/society/561485947/prosfygiko-anatreptiki-apofasi-gia-afganous/>

¹⁹¹ European Commission (EC), “Commission Staff Working Document: Turkey 2012 Progress Report Accompanying the Document Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2012-2013, SWD(2012) 336 Final,” European Commission, www.ipex.eu/IPEXL-WEB/dossier/document/SWD20120336.do

¹⁹² European Commission (EC), “Instrument for Pre-Accession Assistance (IPA II) 2014-2020,” <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/turkey/ipa/2014/ipa2014-031-874.8-tr-home-affairs.pdf>

¹⁹³ Frontex, “Main Operations: Operation Poseidon (Greece),” <https://frontex.europa.eu/along-eu-borders/main-operations/operation-poseidon-greece/>

¹⁹⁴ Frontex, “Liaison Officers Network,” <https://frontex.europa.eu/partners/liaison-officers-network/>

overseeing returns.¹⁹⁵

In June 2021, the EU approved a further three billion Euros to assist Syrian refugees in Turkey, but for the first time also earmarked a portion of this funding to strengthen migration management and border controls on Turkey's eastern border.¹⁹⁶ Commentators raised concerns that conditioning a portion of aid on strengthening migration controls on Turkey's borders with Syria and Iraq, could result in more illegal pushbacks and forced returns at the border and was essentially an attempt by the EU to keep refugees in the region and externalize EU border controls.¹⁹⁷

¹⁹⁵ Frontex, "Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey (Frontex, EASO, IOM, UNHCR)," https://frontex.europa.eu/assets/Partners/Third_countries/IPA_II.pdf

¹⁹⁶ Lorne Cook and Susan Fraser, "EU Greenlights Major Funding Plan for Refugees in Turkey," *AP News*, 25 June, 2021, <https://apnews.com/article/lebanon-middle-east-turkey-europe-migration-e9395d4a3376e8d53cd8a51508fc4a61>

¹⁹⁷ Jennifer Rankin, "EU plan to fund Turkey border control 'risks refugees' forced return", *The Guardian*, 23 June, 2021, <https://www.theguardian.com/world/2021/jun/23/eu-proposal-to-fund-turkey-border-control-could-lead-to-syrian-refugees-forced-return>



3. DETENTION INFRASTRUCTURE

3.1 Overview. Turkey employs a variety of sites for the purposes of immigration-related detention, including police stations, ad hoc sites, dedicated immigration detention (“removal”) centres, and airport transit facilities.

The main immigration detention infrastructure in the country is a network of dedicated facilities called “removal centres,” which used to be officially referred to as “Foreigners’ Guesthouses.”¹⁹⁸ Previously falling under the authority of the Interior Ministry and managed by the National Police, since the introduction of the LFIP in 2013, the Directorate General for Migration Management (DGMM) has responsibility for removal centres.

In addition to these facilities, undocumented migrants have been detained at police stations and gendarmerie posts—including those in Istanbul, Izmir, and Van—as well as at a juvenile detention facility in Istanbul and at transit zone “detention rooms” at the Istanbul Ataturk Airport and other international airports, including Istanbul’s Sabiha Gokcen Airport.

EU-funded projects and the 2013 LFIP (Article 68) both refer to additional facilities called “reception and accommodation centres,” which are to be used to shelter international protection applicants. However, it appears that these open centres may also have dedicated detention sections to be used for the detention of certain categories of international protection applicants.

¹⁹⁸ The Global Detention Project formerly categorized Turkish “guesthouses” as ad hoc detention centres because they operated, until 2010, in an improvised legal context that did not clearly establish grounds for holding people in administrative detention. A key criticism levelled at Turkey while the previous detention regime was in place was that the name “guesthouse” failed to communicate that these centres were actually sites of deprivation of liberty. The March 2010 Circular on Combating Illegal Migration changed the name of these facilities from “Foreigners’ Guesthouses” to “Removal Centres.” The change closely followed a pivotal ECtHR decision that emphasised the absence of a legal basis for immigration detention in Turkey (*Abdolkhani and Karimnia v. Turkey*, 22 September 2009). The court stated that the guesthouses were in fact places of deprivation of liberty and that this was not grounded in legislation. Likewise, in 2009, the European Committee for the Prevention of Torture urged officials to consider adopting the term “detention centres” “rather than the misleading euphemism ‘guest houses,’ since the persons held in these centres are undoubtedly deprived of their liberty.” For more information, see: European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 17 June 2009, CPT/Inf (2011) 13,” Council of Europe, 31 March 2011, www.cpt.coe.int/en/states/tur.htm

3.2 Types of Detention Facilities.

3.2a Removal Centres.

As of October 2021, Turkey's Directorate General of Migration Management (DGMM) reported having in operation 25 removal centres with a total collective capacity of 15,908 as well as one "reception and accommodation centre" in Yozgat with a capacity of 100.¹⁹⁹

Active removal centres, according to the DGMM, included the following:

1. Adana
2. Ağrı
3. Ankara
4. Antalya
5. Aydın
6. Bursa
7. Çanakkale
8. Cankiri
9. Edirne
10. Erzurum 1
11. Erzurum 2
12. Gaziantep (Oğuzeli)
13. Hatay
14. Istanbul (Binkılıç)
15. Istanbul (Silivri)
16. Istanbul (Tuzla-Konteyner)
17. Izmir
18. Kayseri
19. Kırklareli (Pehlivan köyü)
20. Kocaeli
21. Malatya
22. Muğla
23. Van (Kurubaş)
24. Iğdir (temporary)
25. Malatya (temporary)

Various sources have previously documented operations as recently as 2020 at other removal facilities that were no longer listed on the DGMM's website as of October 2021. These included facilities in Van (Tuşba), Osmaniye (Düziçi), and Kırıkkale. Six other facilities (in Adana, Balıkesir, Kütahya, Niğde, and Şanlıurfa) are reportedly planned to open with EU support—the Directorate General for Migration Management (DGMM) refers to them as "EU project centres"—along with three other centres planned under the so-called "lodgement programme."²⁰⁰

¹⁹⁹ Directorate General for Migration Management (DGMM) website, "Removal Centres," last updated 14 October 2021, <https://en.goc.gov.tr/removal-centres>

²⁰⁰ Directorate General for Migration Management (DGMM), "Removal Centres," 2 July 2019, https://www.goc.gov.tr/icerik6/removal-centers_915_1024_10105_icerik

3.2b Airports.

Turkey operates detention facilities within major airports to hold non-nationals. People who are deemed “inadmissible passengers” are held in these facilities until their removal is enforced.²⁰¹ Observers report that refugees and asylum seekers can be “arbitrarily detained without legal basis” at these facilities as officials claim that they can leave Turkey at any time to a country of their choosing.²⁰² Authorities thus do not generally consider airport facilities to be sites of detention. However, a Council of Europe fact-finding mission in 2016 found that at Istanbul Atatürk Airport—which ceased operating as a passenger airport by 2020 with the opening of the New Istanbul Airport—“authorities accepted that those present in the rooms are effectively deprived of their liberty.”²⁰³

The following Turkish airports have employed spaces for immigration-related detention:

- Sabiha Gökçen Airport;
- Ankara Esenboğa Airport;
- Izmir Adnan Menderes Airport;
- New Istanbul Airport.

3.2c Police Stations.

Turkey uses police stations for “short-term holding.” Non-citizens may be detained in such facilities for up to 48 hours, after which they are supposed to be transferred to a Removal Centre. Authorities have used police stations across the country to temporarily hold refugees, asylum seekers, and migrants.²⁰⁴ According to human rights groups, authorities have used police stations to temporarily hold irregular migrants in cities close to Turkey's Aegean and Mediterranean coastlines, having apprehended them during attempted sea crossings, before transferring them to removal centres elsewhere in the country—in some cases, prior to their removal altogether from Turkey.

3.2d Ad Hoc Detention Sites.

Refugees, asylum seekers, and migrants apprehended at Turkey's borders have

²⁰¹ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

²⁰² Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

²⁰³ Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May–4 June 2016, SG/Inf(2016)29,” 10 August 2016, https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsg_migration_refugees_fact-finding_mission_final_e.pdf

²⁰⁴ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

been held in ad hoc detention sites including military and gendarmerie outposts developed to house non-nationals prior to summary deportations across the border (generally to Syria). A HRW researcher previously told the GDP that Syrians apprehended at the border were “detained in centres” that were “not prisons *per se*,” but “because of the restrictions on movement, we consider them detained.”²⁰⁵ HRW used testimonies from detained asylum seekers and returnees, corroborated with satellite imagery, to locate “four security posts with large tents set up on basketball courts in the immediate border area where asylum seekers said they were held before being sent back to Syria.”²⁰⁶

At times of overcrowding, irregular migrants have also previously been held in ad hoc sites within Turkey, including sports facilities and former military bases. For example, in April 2018 the Directorate General for Migration Management (DGMM) resorted to detaining persons in three sport venues in Erzurum following an uptick in the detention of Afghan nationals.²⁰⁷ Similarly, in Izmir, with growing apprehensions by the coastguard in the summer of 2018 and a lack of capacity in the city's Harmandalı Removal Centre, authorities also used a sport hall for detention purposes. Men and women were reportedly held “together without privacy,” amid “substandard hygienic conditions.”²⁰⁸

3.3 Conditions and Regimes in Detention Centres.

3.3a Overview. For decades, national and international observers have repeatedly criticised conditions in Turkish detention facilities.²⁰⁹ In particular, observers have highlighted overcrowding and a lack of access to medical care, lawyers, and INGOs or civil society groups.

Ahead of the adoption and implementation of the LFIP, a 2012 report by the

²⁰⁵ Sara Kayyali (Human Rights Watch), Telephone conversation with Tom Rollins (Global Detention Project), 3 January 2019.

²⁰⁶ Human Rights Watch (HRW), “Turkey: Mass Deportations of Syrians,” 22 March 2018, <https://www.hrw.org/news/2018/03/22/turkey-mass-deportations-syrians>

²⁰⁷ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

²⁰⁸ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

²⁰⁹ For examples, see: European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or punishment (CPT), “Preliminary Observations Made by the Delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) which Visited Turkey from 2 to 14 September 2001 and Response of the Turkish authorities, F-67075,” Council of Europe, 6 September 2006; Commissioner for Human Rights of the Council of Europe (CHR), “Report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe Following his Visit to Turkey on 28 June - 3 July 2009: Issue Reviewed: Human Rights of Asylum Seekers and Refugees, CommDH(2009)31,” 1 October 2009; Human Rights Watch (HRW), “Stuck in a Revolving Door,” 26 November 2008, www.hrw.org/en/reports/2008/11/26/stuck-revolving-door; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 17 June 2009, CPT/Inf (2011)13,” Council of Europe, 31 March 2011, www.cpt.coe.int/en/states/tur.htm

European Commission noted that while there had been some improvements in treatment and detention conditions at removal centres, critical gaps in law and policy remained. In particular, the report noted that unaccompanied minors remained at risk of being detained alongside adults and without access to state child protection services; that there was lack of access to UNHCR services and asylum procedures; and that there was a lack of psycho-social services.²¹⁰

3.3b Removal Centres.

While not exhaustive, this section summarizes treatment in some of Turkey's most important removal centres and those where serious problems have been identified. Unless otherwise stated, the following information on removal centres comes from the Directorate General for Migration Management's (DGMM) website.

Aydin. In operation since April 2012,²¹¹ the facility was previously based in a small building with a capacity of 250. Today, up to 564 detainees can be held in the facility's newer, larger premises. Conditions were described as "very good" by a European delegation visiting Turkey in 2015.²¹² The facility employed a nurse to treat detainees, and also included a courtyard where, for several hours a day, detainees could exercise outdoors and spend time away from detention areas.

That same delegation reported that dormitories in Aydin were in a "good state of repair, clean and well ventilated and had good access to natural light and artificial lighting. Further, every dormitory had its own sanitary annexe (with a toilet, shower and washbasins). Moreover, both male and female sections comprised a bright and air-conditioned communal room, equipped with a television set and chairs/sofas. The delegation gained a particularly positive impression of the "family rooms" which were also equipped with a kitchenette."²¹³

These conditions reflect an improvement following previous assessments, however overcrowding within the dormitories was still noted as an issue—something commented on by previous reports.²¹⁴ Despite improvements in living conditions, detainees in the centre remain incarcerated without freedom of movement.

²¹⁰ European Commission (EC), "Commission Staff Working Document: Turkey 2012 Progress Report Accompanying the Document Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2012-2013, SWD(2012) 336 Final," www.ipex.eu/IPEXL-WEB/dossier/document/SWD20120336.do

²¹¹ Oktay Durukan (Helsinki Citizens' Assembly), Email correspondence with Mariette Grange (Global Detention Project), April 2013.

²¹² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32," *Council of Europe*, 17 October 2017, <https://www.refworld.org/publisher/COECPT,,TUR,59e5b55c4,0.html>

²¹³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32," *Council of Europe*, 17 October 2017, <https://www.refworld.org/publisher/COECPT,,TUR,59e5b55c4,0.html>

²¹⁴ Helsinki Citizens' Assembly (HCA), "Global Detention Project Questionnaire," *Global Detention Project*, 21 December 2011.

Edirne. A 500-capacity Removal Centre, in 2017 Edirne was mostly used to detain irregular migrants apprehended while trying to leave Turkey.²¹⁵ The facility has regularly faced criticism for its poor conditions. At the time of a 2015 visit by a Council of Europe delegation, the facility was found to be holding 221 detainees—none of whom were women or children—however the delegation raised concerns about the fact that because authorities separate nationalities within the facility, there was overcrowding seen in a section for Bangladeshi nationals.²¹⁶

Previously, the facility operated as a “foreign guesthouse” (Tunça Camp in Edirne), which was the subject of particularly harsh criticism.²¹⁷ A 2008 HRW report described how some 400 male detainees were at one point held in a single room in “abysmal” conditions that were “completely unfit for human habitation, even for short duration.” The rights group accused the Interior Ministry of intentionally keeping conditions “degrading and inhumane as a means of coercing detainees to self deport.”²¹⁸ Several months after HRW released its report, the Turkish government announced that the facility was to be closed and that a new facility would be constructed to replace it.²¹⁹ Tunça Camp was subsequently demolished and the newer Edirne Removal Centre became operational in February 2012.²²⁰

Following his June 2012 visit, the Special Rapporteur on the human rights of migrants observed that in contrast to operations at other detention facilities, detainees’ mobile phones were taken from them at Edirne, and they could only make phone calls from a pay phone if they could pay for it themselves. There was no information available in the centre on how to contact lawyers, civil society organisations and UNHCR, or consular authorities. Detainees informed the Special Rapporteur that there had been riots in the centre the day before he was there, and that several detainees had bruises they claimed resulted from beatings by the guards. The Special Rapporteur also reported that guards had difficulties controlling the detainees, many of whom were desperately trying to talk to him during his visit. Access to medical care was insufficient as some of the people the Special Rapporteur met with had visible health problems but claimed not to be receiving any

²¹⁵ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

²¹⁶ Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016) 29,” 10 August 2016, https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsg_migration_refugees_fact-finding_mission_final_e.pdf

²¹⁷ Helsinki Citizens’ Assembly (HCA), “Unwelcome Guests: The Detention of Refugees in Turkey’s ‘Foreigners’ Guesthouses’,” November 2007.

²¹⁸ Human Rights Watch (HRW), “Stuck in a Revolving Door,” 26 November 2008, www.hrw.org/en/reports/2008/11/26/stuck-revolving-door

²¹⁹ Commissioner for Human Rights of the Council of Europe (CHR), “Report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe Following his Visit to Turkey on 28 June - 3 July 2009: Issue Reviewed: Human Rights of Asylum Seekers and Refugees, CommDH(2009)31,” Council of Europe, 1 October 2009.

²²⁰ Oktay Durukan (Helsinki Citizens’ Assembly Turkey), Email correspondence with Mariette Grange (Global Detention Project), April 2013.

medical care.²²¹

Erzurum 1 and 2. Erzurum 1 (“GGM 1”) and Erzurum 2 (“GGM 2”) are two large block complexes located on a remote patch of road outside Erzurum's Aşkale district. Erzurum 1 has four blocks and Erzurum 2 has two, and both facilities each have a capacity of 750. Women are housed separately, upstairs in the second facility.

AIDA, citing documentation by the Turkish Human Rights and Equality Commission, included detailed comments on the facilities in its 2018 Turkey report: “Bedrooms accommodate six people on average and include a bathroom and toilet, although they have no curtains. During its visit in 2018, the Human Rights and Equality Commission identified shortcomings such as clogged toilets and leaks, broken sinks, toilet doors and door handles, ceilings damaged by humidity, and lack of adequate ventilation. It also witnessed interruptions in the provision of hot water in GGM 2.”

“GGM 1 has a playground and football, basketball and volleyball courts, a cafeteria, prayer rooms, playrooms for children, a library, an internet room which is not accessible to detainees, a projector room, a hairdresser and barber shop, while GGM 2 has a playground and similar indoor facilities. Some persons complained that they were not allowed outdoor access in GGM 2 on some days and that the sports facilities were not accessible.”²²²

The Erzurum facilities have historically been an important cog in Turkey's deportation procedures. While Erzurum has been used over the years to remove irregular migrants across Turkey's eastern borders with Syria, Iraq, and Iran, more recently it has been predominantly used to facilitate “mass deportations” of Afghan asylum seekers and migrants.²²³ Authorities boasted in early 2018 that more than seven thousand undocumented migrants were detained in Erzurum during the first 75 days of the year—for many, prior to their deportation back to Afghanistan—although a local governor also complained that these detentions were putting a strain on local authorities with the rate of detentions “well above the manageable number.”²²⁴

²²¹ Special Rapporteur on the Human Rights of Migrants, “Report by the Special Rapporteur on the Human Rights of Migrants, François Crépeau, Mission to Turkey (25–29 June 2012), A/HRC/23/46/Add.2,” Human Rights Council (HRC), 17 April 2013, www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx

²²² Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

²²³ A. Pitonak, “Mass Deportations of Afghans from Turkey: Thousands of Migrants Sent Back in a Deportation Drive,” *Afghanistan Analysts Network*, 21 June 2018, <https://www.afghanistan-analysts.org/mass-deportations-of-afghans-from-turkey/>; A.M. Latifi, “Turkey is Sending Thousands Back to Warzone in ‘Shocking and Illegal’ Mass Deportations,” *Think Progress*, 1 June 2018, <https://thinkprogress.org/turkey-deport-afghan-refugees-e2decdd9b63b/>

²²⁴ *Hurriyet Daily News*, “7,000 Undocumented Migrants Captured by Authorities in Turkey's Erzurum in First 75 Days of 2018,” 23 March 2018, <http://www.hurriyetdailynews.com/7-000-undocumented-migrants-captured-by-authorities-in-turkeys-erzurum-in-first-75-days-of-2018-129219>; *InfoMigrants*, “Hundreds of Afghan Migrants Deported from Turkey,” 9 March 2018, <https://www.infomigrants.net/en/post/8517/hundreds-of-afghan-migrants-deported-from-turkey>

Erzurum has also witnessed unlawful detentions and deportations of Syrian refugees and asylum seekers, who are coerced (or even physically forced) into signing “voluntary return documents” before being sent across the border. According to Amnesty International, in late 2015: “A 26-year old Syrian woman explained that some detainees in Erzurum Removal Centre were physically forced to put their fingerprints to a document. A 23-year-old Syrian man said that he was part of a group in Erzurum in which a three-year old child was forced to provide his fingerprints as evidence of his consent to return to Syria.”²²⁵

However, according to a researcher in early 2019, Erzurum was “not really being used to hold Syrians anymore, it’s mostly Afghans. In 2015, 2016 it was used primarily to detain Syrians and there were several instances of deportations from there, as well as the suspicious death of a Syrian-Kurdish man there.”²²⁶

The Erzurum centres were among six facilities intended for reception of international protection applicants through EU funding, although after the EU-Turkey Action Plan on Migration and then the EU-Turkey deal, these centres were “re-purposed to serve as removal centres.”²²⁷

Gaziantep (Oğuzeli). With space for up to 750 detainees, Oğuzeli was among six facilities intended for the reception of international protection applicants through EU funding. However, after the EU-Turkey Action Plan on Migration and then the EU-Turkey deal, these six centres were “re-purposed” to serve as removal centres.²²⁸

Since 2015, the facility has been increasingly used to hold Syrians in pre-removal detention so that they can be “deported more easily.”²²⁹ An investigation by The Guardian in 2018 found that Oğuzeli was another site where authorities effectively gave Syrians a choice between indefinite detention or return to Syria (after they signed “voluntary return documents”), including Syrian asylum seekers with the correct documentation to allow them to remain in Turkey and who did not appear to have committed any crime.²³⁰

Although Oğuzeli has been dogged by reports of poor detention conditions over the years, in 2019 observers reported that in general, conditions appeared to be improving. However, one report did note that following the suicide of an Afghan detainee at the centre in February 2019, a riot occurred. “Lawyers from the Migration

²²⁵ Amnesty International, “Europe’s Gatekeeper: Unlawful Detention and Deportation of Refugees from Turkey,” December 2015, <https://www.amnesty.org/download/Documents/EUR4430222015ENGLISH.pdf>

²²⁶ Amy Pitonak, Telephone communication with Tom Rollins (Global Detention Project), 9 January 2019.

²²⁷ Deportation Monitoring Aegean, “Surrendered to Harmandalı Removal Prison – How EU Policies Lead to Expulsion and Maltreatment of Migrants Deported to Turkey,” 4 June 2019, <https://bit.ly/2mfJOQ5>

²²⁸ Deportation Monitoring Aegean, “Surrendered to Harmandalı Removal Prison – How EU Policies Lead to Expulsion and Maltreatment of Migrants Deported to Turkey,” 4 June 2019, <https://bit.ly/2mfJOQ5>

²²⁹ Amy Pitonak, Telephone communication with Tom Rollins (Global Detention Project), 9 January 2019.

²³⁰ S. Carrié and A. Al Omar, “It’s Against the Law’: Syrian Refugees Deported from Turkey Back to War,” *The Guardian*, 16 October 2018, <https://www.theguardian.com/global-development/2018/oct/16/syrian-refugees-deported-from-turkey-back-to-war>

and Asylum Commission of the Gaziantep Bar Association inquired about the incident but were not provided with information by the management of the centre,” the report observed. “The association later established that detainees had gone on hunger strike in the centre.”²³¹

Hatay. Close to the Turkish-Syrian border, Hatay Removal Centre can detain up to 192 persons. The province has been known as one from which Syrians have been deported across the border—a process that has likely involved the Removal Centre as well as local police stations.²³² In the past, conditions inside the facility were described as “substandard,” with detainees left with no access to showers or hot water, and with only 40 minutes of outdoor time permitted each day.²³³

Izmir (Harmandalı). Located on the premises of an old factory building in an industrial district on the outskirts of Izmir, the Removal Centre has long been criticised for sub-standard detention conditions.²³⁴

Since the EU-Turkey deal, the Izmir facility has become one of the main facilities used to hold readmitted non-Syrian asylum seekers and migrants from Greece. Harmandalı was also among six facilities intended for the reception of international protection applicants through EU funding, but following the EU-Turkey Action Plan on Migration and then the EU-Turkey deal, the facility was re-purposed to serve as a Removal Centre.²³⁵

The facility has 750 detention spaces spread across two blocks: “Block A” holds single adults and individuals detained on the grounds of being issued “YTS” codes (this code is assigned to those identified as “foreign terrorist fighters”); while “Block B” holds families.²³⁶ Each room contains six beds, along with a bathroom and toilet.

In recent years, reports on the conditions inside the facility have been mixed. According to AIDA’s 2018 report, Harmandalı includes several facilities including a “gym, a library, two spaces for religious practice, two playgrounds, television and

²³¹ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

²³² S. Carrié and A. Al Omar, “It’s Against the Law’: Syrian Refugees Deported from Turkey Back to War,” *The Guardian*, 16 October 2018, <https://www.theguardian.com/global-development/2018/oct/16/syrian-refugees-deported-from-turkey-back-to-war>

²³³ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

²³⁴ Human Rights Watch (HRW), “Stuck in a Revolving Door,” 26 November 2008, www.hrw.org/en/reports/2008/11/26/stuck-revolving-door

²³⁵ Deportation Monitoring Aegean, “Surrendered to Harmandalı Removal Prison – How EU Policies Lead to Expulsion and Maltreatment of Migrants Deported to Turkey,” 4 June 2019, <https://bit.ly/2mfJOQ5>

²³⁶ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” Council of Europe, 17 October 2017, <https://www.refworld.org/publisher,COECPT,,TUR,59e5b55c4,0.html>

internet stations, as well as a tailor and a hairdresser.”²³⁷

A Council of Europe delegation in 2016 described material conditions inside Harmandalı as “good, although the rooms were very hot,” while children were detained alongside their families with reportedly little activities provided for them. Detainees also complained that they were often confined and locked into their rooms with little opportunity to exercise outside.

A year earlier however, the CPT visited the facility as part of its visit to Turkey and found that conditions in the centre were “extremely poor,” and listed the centre among three facilities of particular concern.²³⁸ At the time, no nurse was employed at the facility; male detainees were restricted to 20 minutes’ outdoor exercise a day; and 21 unaccompanied minors were being held in an overcrowded dormitory.²³⁹

During its visit, the CPT delegation also heard several allegations by female detainees of sexual harassment by male guards. The delegation raised the issue with Turkish officials, who claimed that İzmir’s police directorate had opened an investigation taking testimonies from detainees. The investigation concluded that there was “no concrete evidence ...concerning the subject of the allegations”,²⁴⁰ and as a result, the investigation was closed.

On 14 May 2019, a group of lawyers from the Bar Association of İzmir were detained inside an interview room in the facility while visiting asylum seekers.²⁴¹ According to rights groups, the incident was reflective of “additional barriers” imposed at removal centres such as Harmandalı.²⁴²

Kayseri. Kayseri Removal Centre, located in central Turkey, has a total capacity of

²³⁷ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

²³⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” Council of Europe, 17 October 2017, <https://www.refworld.org/publisher,COECPT,,TUR,59e5b55c4,0.html>

²³⁹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” Council of Europe, 17 October 2017, <https://www.refworld.org/publisher,COECPT,,TUR,59e5b55c4,0.html>

²⁴⁰ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” Council of Europe, 17 October 2017, <https://www.refworld.org/publisher,COECPT,,TUR,59e5b55c4,0.html>

²⁴¹ İzmir Bar Association, “Meslektaşlarımızın Uğradığı Kötü Muamele Nedeniyle Harmandalı Geri Gönderme Merkezi’nde Basın Açıklaması Yapıldı,” 20 May 2019, <https://bit.ly/2YGVKZ3>

²⁴² Asylum in Europe, “Turkey: Lawyers Arbitrarily Detained in İzmir Removal Centre,” Asylum Information Database (AIDA) and European Council on Refugees and Exiles (ECRE), 28 May 2019, <https://www.asylumineurope.org/news/28-05-2019/turkey-lawyers-arbitrarily-detained-izmir-removal-centre>

750. It has been used to detain non-Syrian asylum seekers returned from Greece.²⁴³ Kayseri was among six facilities intended for the reception of international protection applicants through EU funding, although after the EU-Turkey Action Plan on Migration and then the EU-Turkey deal, these centres were “re-purposed to serve as removal centres.”²⁴⁴

According to Turkey’s Human Rights and Equality Commission, rooms in the centre contain bunkbeds, a cupboard, bathroom, and toilet. There are also two rooms for disabled persons, which are accessible by a lift. The walls, rooms, and linen were found to be generally in good condition, although ventilation and hot water supply were reported to be inadequate.²⁴⁵

Kırklareli (Pehlivanköy). Kırklareli (Pehlivanköy), with a total detention capacity of 750, was among six facilities intended for reception of international protection applicants through EU funding. However, like the other five facilities, it was re-purposed to serve as a Removal Centre following the EU-Turkey Action Plan on Migration and the EU-Turkey deal.²⁴⁶ Opened in 2016, the facility was established to exclusively house returnees from Greece.²⁴⁷ In particular, non-Syrian asylum seekers and migrants returned to Turkey from Greece under the EU-Turkey refugee deal have been sent to Kırklareli. Two returns in early April 2016, comprising 323 non-Syrians, were directly transferred to Kırklareli (Pehlivanköy) and “detained for the purpose of deportation.”²⁴⁸

A Council of Europe human rights official visiting the facility around this time reported: “The facilities were brand new and efforts had been made to develop communal areas and services. I was shown a library with a limited collection of religious books, a sports hall, a hairdresser’s and a well-stocked classroom. Detainees were not aware of any of these facilities. There is an outdoor, internal courtyard area. A number of detainees were there during my visit. The detainees I interviewed in their rooms, on the other hand, claimed that they were rarely given access to outdoor space. Instead, they spent most of the time between meals locked in their rooms. There were some allegations of ill-treatment by the guards. I was told

²⁴³ J. Alpes et al., “Post-Deportation Risks Under the EU-Turkey Statement: What Happens After Readmission to Turkey?” *European University Institute, Robert Schuman Centre for Advanced Studies*, Issue 2017/30, November 2017,

http://cadmus.eui.eu/bitstream/handle/1814/49005/PB_2017_30_MPC.pdf?sequence=1&isAllowed=y

²⁴⁴ Deportation Monitoring Aegean, “Surrendered to Harmandalı Removal Prison – How EU Policies Lead to Expulsion and Maltreatment of Migrants Deported to Turkey,” 4 June 2019, <https://bit.ly/2mfJOQ5>

²⁴⁵ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>; Turkish Human Rights and Equality Commission, “Kayseri Geri Gönderme Merkezi Ziyareti,” 2018/14, November 2018, <https://bit.ly/2HLRi62>

²⁴⁶ Deportation Monitoring Aegean, “Surrendered to Harmandalı Removal Prison – How EU Policies Lead to Expulsion and Maltreatment of Migrants Deported to Turkey,” 4 June 2019, <https://bit.ly/2mfJOQ5>

²⁴⁷ Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016) 29,” 10 August 2016, https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsrg_migration_refugees_fact-finding_mission_final_e.pdf

²⁴⁸ Mülteci-Der and Pro-Asyl, “Observations on the Situation of Refugees in Turkey, 22 April 2016,” 22 April 2016, <https://bit.ly/2jvorDG>

by the authorities that there were no children in the centre at the time of my visit. However, I visited rooms at random and saw a family of five, including three children under the age of 18. I also saw at least one child playing in the outdoor area.”²⁴⁹

Meanwhile, documentation of conditions for returnees from Greece in 2017 found that in Kırklareli: “The doors to detainees’ rooms are opened only three times a day for short meal breaks. After each break, detainees are given less than an hour to exercise before they have to return to their rooms. In their rooms, detainees do not have access to means of communication with the outside world – no phone, TV, internet, newspapers or books. Outside their rooms, the means of communication and information are limited and mostly available only in Turkish. Moreover, returnees struggle with poor food, isolation and inadequate medical services. As the facility is run by a private security company, detainees are often unable to access Turkish state authorities with complaints or information requests.”²⁵⁰

A source in Turkey told the GDP that conditions at Kırklareli have improved in recent years.

Osmaniye (Düziçi) (Temporary). Osmaniye (Düziçi), which is often referred to as a “camp,” has a total capacity of 3,000—although in December 2018, a rights organisation stated that the facility had a capacity of 4,000.²⁵¹ In recent years, it has purportedly been transformed “from a container camp to a detention centre.”²⁵² The facility differs from a “camp” though, in that detainees face restrictions on their freedom of movement. A Council of Europe delegate was “in no doubt that the residents of the camp are in *de facto* detention,” describing securitised entrances and barbed-wire fencing surrounding the area.²⁵³

From early on, Syrian asylum seekers returned to Turkey from Greece under the EU-Turkey deal (after their claims were deemed “inadmissible” by asylum authorities) were sent to Osmaniye. According to Turkish authorities, two returns in early April 2016—comprising two Syrians—were directly transferred to the facility, before being registered and later released.²⁵⁴ However, Syrian detainees have reportedly been

²⁴⁹ Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016) 29,” 10 August 2016,

https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsg_migration_refugees_fact-finding_mission_final_e.pdf

²⁵⁰ S. Tunaboylu and J. Alpes, “The EU-Turkey Deal: What Happens to People who Return to Turkey?” *Forced Migration Review*, (54), 2017, <https://www.fmreview.org/resettlement/tunaboylu-alpes>

²⁵¹ Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

²⁵² Amy Pitonak, Telephone communication with Tom Rollins (Global Detention Project), 9 January 2019.

²⁵³ Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016) 29,” 10 August 2016,

https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsg_migration_refugees_fact-finding_mission_final_e.pdf

²⁵⁴ Mülteci-Der and Pro-Asyl, “Observations on the Situation of Refugees in Turkey, 22 April 2016,” 22 April 2016, <https://bit.ly/2jvorDG>

held “without being informed about the reason for and length of their detention, and without access to adequate medical treatment.”²⁵⁵ More concerning is the fact that the return of Syrians from Greece to Osmaniye seemingly “has no legal basis,” because Turkish promises to the EU to give temporary protection to all Syrians returned under the EU-Turkey deal would mean that neither grounds for detention in Article 57 and Article 68 of the LFIP would apply.²⁵⁶

Access inside Osmaniye is said to be poor, as are conditions. According to one account, “the detention conditions in Düzici camp were so bad that one Syrian woman with four children asked to be returned to Syria instead.”²⁵⁷

²⁵⁵ S. Tunaboylu and J. Alpes, “The EU-Turkey Deal: What Happens to People who Return to Turkey?” *Forced Migration Review*, (54), 2017, <https://www.fmreview.org/resettlement/tunaboylu-alpes>

²⁵⁶ Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016) 29,” 10 August 2016, https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsg_migration_refugees_fact-finding_mission_final_e.pdf

²⁵⁷ S. Tunaboylu and J. Alpes, “The EU-Turkey Deal: What Happens to People Who Return to Turkey?” *Forced Migration Review*, (54), 2017, <https://www.fmreview.org/resettlement/tunaboylu-alpes>



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