

## Forced Migration Review mini-feature

# Post-deportation risks and monitoring

People whose application for asylum has been refused are often deported, usually to their country of origin. Little is known, however, about what happens to them on that return journey, on arrival in the country to which they are deported, and during the weeks and months that follow. Deportees are generally out of sight, and therefore quickly out of mind. But many of them are vulnerable and face considerable risks after deportation. These risks include loss of belongings, lack of identity papers, homelessness, destitution, trauma, depression, suicide, extortion, detention, and inhumane and degrading treatment – indicators that deportation in some cases may in fact constitute *refoulement*. All four articles in this mini-feature show the need for independent post-deportation monitoring.

### Post-deportation risks for failed asylum seekers

Jill Alpes, Charlotte Blondel, Nausicaa Preiss and Meritxell Sayos Monras

### Risks encountered after forced removal: the return experiences of young Afghans

Emily Bowerman

### A grim return: post-deportation risks in Uganda

Charity Ahumuza Onyoin

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

Sevda Tunaboylu and Jill Alpes

These articles are available online in html, pdf and audio/mp3 at [www.fmreview.org/resettlement](http://www.fmreview.org/resettlement); the full mini-feature is also available as a stand-alone pdf at [www.fmreview.org/resettlement/post-deportation.pdf](http://www.fmreview.org/resettlement/post-deportation.pdf). For French, Spanish and Arabic versions, visit [www.fmreview.org/resettlement](http://www.fmreview.org/resettlement) and click on the appropriate language tab.

## Post-deportation risks for failed asylum seekers

Jill Alpes, Charlotte Blondel, Nausicaa Preiss and Meritxell Sayos Monras

**What happens to people who are deported after their asylum applications have failed? Many who are deported are at risk of harm when they return to their country of origin but there is little monitoring done of deportation outcomes.**

People whose application for asylum has been refused are vulnerable when they are subsequently deported to their country of origin. In some places, simply claiming asylum in another country is viewed as an act of treason and exposes the applicant to serious risks. Former non-accompanied minors are vulnerable because of their lack of familiarity with the countries to which they are returned. Furthermore, cooperation mechanisms between immigration, police and intelligence services of deporting countries and countries of origin to facilitate emergency travel documents risk undermining the confidentiality of asylum applications.<sup>1</sup>

The principle of *non-refoulement* prohibits sending asylum seekers or deportees back

to a country where their life and liberties are deemed to be under threat, yet several EU countries continue to send people whose applications have been refused back to countries where former asylum seekers have already been persecuted. A group of students at Sciences Po have developed a methodology to review existing evidence of the risks that rejected asylum seekers face following deportation and have found evidence of extortion, persecution and imprisonment in, among others, the Democratic Republic of Congo (DRC), Sri Lanka and Eritrea.<sup>2</sup>

### On return to DRC, Sri Lanka and Eritrea

In the seven years to 2015,<sup>3</sup> France deported 590 Congolese citizens whose application

for asylum had failed. Claiming asylum in another country, however, may be treated by the Congolese authorities as an act of treason, and almost every returned asylum seeker monitored in 2011 by the organisation Justice First was imprisoned, tortured, forced to pay a ransom, raped or subjected to sexual harassment.<sup>4</sup>

A study by the British Home Office found that people who were repatriated to DRC were systematically summoned to the Congolese Bureau of Migration on their arrival at the airport and sometimes questioned by the National Intelligence Agency in Kinshasa. These people face multiple risks, from extortion involving sums from \$6,000 to \$25,000 to imprisonment without access to a lawyer and being held in poor conditions of detention. Some people had been forced to sign a document stating that they had left the airport without any difficulty but were then arrested at home a few hours later; when the UN mission MONUSCO tried – unusually so – to intervene, the Congolese authorities denied that there was any possibility of people having been detained.<sup>5</sup>

Sri Lanka ranks fifth for rejected asylum claims in France. In spite of reports published in 2012 by organisations such as Human Rights Watch, Action chrétienne pour l'abolition de la torture (ACAT) and Freedom from Torture which include accounts of extortion, arbitrary imprisonment and torture,<sup>6</sup> France has sent 750 people back to Sri Lanka in the last seven years. The reports show that these people are often arrested, either at the airport or at home a few days after their return, and remain in prison for between a week and six months. ACAT has shown how deported Sri Lankan Tamils were tortured on their return with the aim of forcing them to confess to alleged links with the Liberation Tigers of Tamil Eelam; and the organisation Tamils Against Genocide confirms that the very fact of having spent time in a Western country in itself constitutes a risk in respect of the local authorities.

Although the situation for Eritreans changed in 2016 with an increase in the rate of acceptance of asylum claims in France and their inclusion in relocation schemes at

the European level, France has nonetheless rejected 2,250 asylum claims and deported 350 Eritreans over the last seven years. Studies by UNHCR and Human Rights Watch in 2009 and 2014 found that simply having left Eritrea exposes the migrant and their family to investigations, reprisals and mistreatment. The Eritrean authorities suspect that people who have sought asylum elsewhere will have cited persecution in Eritrea as grounds for seeking asylum, or suspect them of having encouraged opposition groups from abroad. At the same time, British sources maintained in 2011 that people who have sought asylum are also suspected by the authorities of having left Eritrea illegally, which provides a further reason for carrying out investigations and subjecting them to reprisals and persecution.

On their arrival, repatriated Eritreans are often held in overcrowded cells in poor conditions. Amnesty and UNHCR have reported arbitrary arrests, unjustified imprisonment and cases of mistreatment, torture and death. Cases of detention are numerous; people sent back from Malta in 2002 and Libya in 2004 were arrested on arrival and tortured, and some were very probably killed. According to the UN Special Rapporteur on Human Rights in Eritrea, asylum seekers whose claims are rejected “generally disappear on their return.”<sup>7</sup> Knowledge of such human rights violations do not seem to prevent the European Union from cooperating with the regime under the terms of the Khartoum Process, which aims to make returns easier.

Return for migrants whose asylum claims are rejected is problematic in other countries as well. The French non-governmental organisation Anafé has recorded cases of arbitrary detention in Guinea Conakry and Chad; an Irish organisation and several British newspapers have confirmed that Sudanese deportees have been killed on their return to Khartoum; and other organisations have mentioned similar risks in Iran.

### The need for monitoring

In some countries failed asylum seekers risk serious human rights violations upon return. The decision to deport can thus

February 2017

constitute *refoulement*. Nonetheless, states and international organisations do not systematically collect information about the human rights situation of forcibly returned failed asylum seekers. Post-deportation monitoring can help improve refugee policy in at least three ways: firstly, by enabling the provision of support to asylum seekers who are deported; secondly, by helping to identify and document where the fears of forcibly returned asylum seekers are well-founded; and, thirdly, by providing valuable insights for Country of Origin Information reports.

An effective migration policy needs to be based on evidence. Today, policymakers do not know what happens with deportees after return to countries of origin. Even when post-deportation risks do not amount to the level of *refoulement*, deporting states have a political responsibility to avoid exposing people to extortion, confiscation of their belongings, interrogation, intimidation and arbitrary detention.

Jill Alpes [m.j.alpes@gmail.com](mailto:m.j.alpes@gmail.com)

Postdoctoral Researcher, Vrije Universiteit Amsterdam [www.vu.nl](http://www.vu.nl); Visiting Researcher, CERI Sciences Po Paris

Charlotte Blondel

[charlotte.blondel@sciencespo.fr](mailto:charlotte.blondel@sciencespo.fr)

Nausicaa Preiss [nausicaa.preiss@sciencespo.fr](mailto:nausicaa.preiss@sciencespo.fr)

Meritxell Sayos Monras

[meritxell.sayosmonras@sciencespo.fr](mailto:meritxell.sayosmonras@sciencespo.fr)

Sciences Po Paris [www.sciencespo.fr/en](http://www.sciencespo.fr/en)

1. See also Alpes M J and Sørensen N N (2016) *Post-deportation risks: People face insecurity and threats after forced returns*, Danish Institute for International Studies Policy Brief <http://bit.ly/DIIS-alpes-sorensen>
2. We acknowledge with thanks the involvement of Marie Conciatori, Suzanne Seiller and Janine Uhlmannsieck in the research project 'Airport casualties: migration control and human rights in countries of origin' (October 2014 to May 2015). For data, see (2015) 'Post-deportation risks: Criminalized departure and risks for returnees in countries of origin' under 'Resources' at <http://bit.ly/PDMnetwork>
3. EUROSTAT (2015) *Third country nationals returned following an order to leave – annual data (rounded)* and *First instance decisions on applications by citizenship, age and sex: Annual aggregated data (rounded)* <http://ec.europa.eu/eurostat/web/products-datasets/>
4. Ramos C (2011) *Unsafe Return: Refoulement of Congolese Asylum Seekers*, Justice First <http://bit.ly/Ramos2011>
5. United Kingdom: Home Office (2012) *Democratic Republic of the Congo: Report of a Fact Finding Mission to Kinshasa Conducted between 18 June 28 June 2012*, p33 [www.refworld.org/docid/538871264.html](http://www.refworld.org/docid/538871264.html)
6. Freedom from Torture (2012) *Sri Lankan Tamils tortured on return from the UK* [www.refworld.org/docid/505321402.html](http://www.refworld.org/docid/505321402.html); Human Rights Watch (2012) *UK: Halt Deportations of Tamils to Sri Lanka* [www.refworld.org/docid/50e8e8352.html](http://www.refworld.org/docid/50e8e8352.html)
7. (28 May 2013) *Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B Keetharuth (A/HRC/23/53)* <http://bit.ly/HRC2013-Eritrea>

## Risks encountered after forced removal: the return experiences of young Afghans

Emily Bowerman

**New research has documented the outcomes for young asylum seekers forcibly removed from the UK to Afghanistan. Its conclusions highlight both the difficulties facing the returnees and the need for sustained monitoring.**

Over the past nine years, the United Kingdom (UK) has forcibly removed<sup>1</sup> back to Afghanistan 2,018 young Afghan men who came to the UK as unaccompanied asylum-seeking children and spent their formative teenage years in the UK care system. They are returned to often precarious and dangerous situations.

A few years ago, preliminary research undertaken by the UK-based Refugee Support Network (RSN) revealed some of the key

challenges confronting this cohort of youth facing forced return.<sup>2</sup> These challenges were exacerbated firstly by the abrupt transition from being 'looked after' children one day to being failed adult asylum seekers with limited rights the next, and secondly by the lack of connections and joined-up approaches between the UK-focused refugee and asylum support sector while they are in the UK and the international development sector after their return to their country of origin. At one

of the most precarious stages of their life trajectory, former unaccompanied asylum-seeking children found themselves cut adrift from support, facing an uncertain future.

In response, RSN set up its Youth on the Move programme to support former unaccompanied asylum-seeking children who had failed to secure refugee protection and now faced the possibility of forced removal to Afghanistan. The programme's overall, long-term goals were for no former unaccompanied minor to be left alone and unsupported in the face of potential forced removal to Afghanistan, and for research tracking the outcomes for these young people to bring about a better informed and more compassionate approach in the UK. Following an agreement announced in October 2016 between the EU and the Afghan government obliging the latter to receive many more refused asylum seekers, evidence about the reality on the ground for returnees is needed more than ever.

### Researching the outcomes

For an 18-month period in 2014-15, RSN systematically monitored what happened to former child asylum seekers who had been forcibly removed to Afghanistan after turning 18, documenting their experiences and, for the first time, filling a vital evidence gap in assessment of their reintegration, safety and security, education, employment, health and well-being.<sup>3</sup> We conducted 153 in-depth semi-structured interviews with 25 young people who had been forcibly removed from the UK.<sup>4</sup>

The first challenge experienced during the research process was establishing contact with the young people on return. 45 young people were referred to RSN's Kabul-based monitoring officer at the time of forced removal, yet 16 of these did not make contact and could not be contacted after return. It is not known why these young people either chose or were not able to contact the monitoring officer but it is of potential concern that it proved impossible to establish contact with such a significant number of young returnees (36% of total number referred).

The second challenge was remaining in contact with the returnees in order to facilitate multiple interviews throughout the research period. Six of the young people left Afghanistan during the research process, and an additional 12 moved away from Kabul. Where possible, in-depth telephone or Skype interviews were conducted with young people no longer in Kabul. In the case of 11 young people, contact ceased before the end of the research process because contact details held by the programme no longer worked, with their eventual whereabouts or well-being still unknown. Some may have deliberately withheld new contact details for reasons of security. Throughout the research, it was clear that many of the young people wanted to hide the fact that they had been in the UK because, for example, return was seen as a failure or associated with criminality and for their perceived westernisation which in turn affected their ability to secure work and housing and to reconnect with family. When travelling in Taliban-held areas in particular, they would not want to be heard speaking English or to be seen to have international contacts on their phone. The young people's safety is paramount and no pressure should be put on them to maintain contact if it would put them at risk.

### Research findings and outcomes

In addition to identifying the significant number of young returnees who had again left Afghanistan, the research highlighted a range of interconnected challenges facing former child asylum seekers after forced removal to Afghanistan. These include:

- the impact of weakened or disappeared family and social networks
- fear of stigma and discrimination impeding the formation of new social networks, leading in turn to increased isolation
- challenges in accessing institutional support and reliance on ad hoc assistance from people in the UK
- generalised insecurity and victimisation due to issues related to the original asylum claim or to their identity as a returnee

February 2017

- the near impossibility of continuing in education after forced return due to its cost, the prioritisation of earning money for survival, their lack of Afghan education, and the irrelevance of studies undertaken in the UK
- the difficulty of finding sustainable work and the impact of this on young returnees' ability to survive or remain in Afghanistan
- mental health difficulties and protracted deterioration in emotional well-being, with particular challenges where specialised care and medication were interrupted on removal
- limited access to essential support and health care.

Over three quarters of the young people monitored identified insecurity as a critical issue. Seven reported incidents where either they or other returnees close to them were targeted simply because they were a returnee. One young person was particularly distressed when he told us:

*"I have just made one friend here. [...] He told me he couldn't stay, that he would go back to the EU. I told him not to go, but he was arrested by the Taliban on the way to Iran ... and they killed him because he had all his international papers and bank card on him. They killed him by cutting his head off and leaving it in the street."*

### Next steps

There is a need for more research on post-return outcomes in order to produce robust data about the realities around return for those who have spent time in the UK as asylum seekers. The value of such data is evidenced in the citation of the RSN research report *After Return* in the UNHCR guidelines for assessing Afghan asylum claims<sup>5</sup> and in the report's use by solicitors representing individual former unaccompanied minors who have turned 18 but are still going through the UK asylum process.

Our hope is that due recognition will continue to be given to the persecution risks facing young people simply because they are returnees, regardless of the content of their original asylum claims. There is

currently a significant focus on bringing unaccompanied minors to the UK from Calais and other parts of the European Union. It is important that all those involved – policymakers, those lobbying for more unaccompanied children to be brought to the UK, and the solicitors representing them in their asylum cases – are aware that unless children get good legal representation in the first instance, the outcomes of forced removal experienced by young Afghans could be an outcome for them too.

It is also important to help young people at the end of the asylum process to access legal, practical and psychosocial support and to make contingency plans, where appropriate and when all options for remaining have been exhausted, for the possibility of forced return. Bringing together learning about supporting young people at the end of this process in the UK and about life on return, we have created a guide for other practitioners as one step in bridging the gap that separates UK-based refugee organisations and the international development sector, with a view to better supporting the young people who straddle these two contexts in their migration journeys.<sup>6</sup>

**Emily Bowerman**

[ebowerman@refugeesupportnetwork.org](mailto:ebowerman@refugeesupportnetwork.org)

Programmes Manager, Refugee Support Network  
[www.refugeesupportnetwork.org](http://www.refugeesupportnetwork.org)

1. The term 'deportation' is commonly used to refer to the state-enforced or enforceable departure of a non-citizen from the country. Deportation is, however, a specific term used by the UK government in reference to people whose removal from the country is deemed 'conducive to the public good', often in connection with conviction for a criminal offence that carries a prison term. 'Forced removal' is therefore the preferred term when referring to these young Afghans.
2. Gladwell C (2013) 'No longer a child: from the UK to Afghanistan', *Forced Migration Review* issue 44 [www.fmreview.org/detention/gladwell](http://www.fmreview.org/detention/gladwell)
3. See Refugee Support Network (April 2016) *After Return: documenting the experiences of young people forcibly removed to Afghanistan* [www.refugeesupportnetwork.org/resources/after-return](http://www.refugeesupportnetwork.org/resources/after-return)
4. The interviews were conducted in Kabul by RSN's monitoring officer and three other staff members who made field visits to support the research process.
5. UNHCR (2016) *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan* [www.refworld.org/docid/570f96564.html](http://www.refworld.org/docid/570f96564.html)
6. [www.refugeesupportnetwork.org/resources/ARE-practitioner-guide](http://www.refugeesupportnetwork.org/resources/ARE-practitioner-guide)

## A grim return: post-deportation risks in Uganda

Charity Ahumuza Onyoin

**Neither the UK nor Uganda monitors what happens during and after deportation by the UK of failed Ugandan asylum seekers, despite evidence of violence and grave abuses of individuals' human rights.**

While Uganda is often hailed as a source of stability in a troubled region, human rights violations are rife, ranging from violent arrests of opposition leaders and detention of journalists to torture of civilians at the hands of security agents.<sup>1</sup> And homophobia and persecution of sexual minorities remain high despite the annulment of the Anti-Homosexuality Act in 2014. Many Ugandans seek asylum abroad, including on the grounds of persecution for political opinion and sexual orientation.

Since 2006 the Refugee Law Project (RLP), a community outreach project of the School of Law at Makerere University in Uganda, has been involved in providing post-deportation support to returned Ugandans, most of whom are returned from the United Kingdom (UK). RLP is often alerted by organisations and civil society actors in the deporting country to the fact that an individual has been 'removed' or is scheduled to be removed.<sup>2</sup> The information will include the person's name and phone number, the airline and the scheduled time of arrival. In all cases, the individual's consent is sought before such information is shared and, where possible, RLP initiates contact with the individual before the scheduled departure. While Ugandan immigration officers were initially suspicious of RLP's role in the reception of deportees, it now recognises the crucial role that RLP plays and on occasion will even refer individuals to RLP for support.

The risks to deportees start on arrival at the airport – where they are vulnerable to abuse of their rights and to physical violence by state agents – and continue during their reunification with family and friends. During their integration back into Ugandan society, they may be vulnerable to social, economic and psychosocial risks, and continuing persecution.

### Arrival at the airport

'Distressed' and 'disturbed' are two words commonly used by RLP and immigration officers to describe a deportee's appearance upon arrival. While many wish to arrive 'silently', the opposite occurs. On disembarking, a deportee – who may or may not be escorted by agents of the deporting state but who is often exhausted, traumatised and at times injured – is handed over to the immigration office for interview by immigration officers. Their personal details are registered and they are then subjected to what is referred to as 'routine interrogation'. During this process, details regarding their deportation and their contacts in Uganda are entered into an immigration database at the airport.

This process is deeply problematic. Firstly, it makes deportees – and their contacts – vulnerable to detention, torture and harassment, particularly where an individual's asylum application was based on fear of persecution for political or sexual orientation reasons.<sup>3</sup> Secondly, it further traumatises deportees, the majority of whom have already been held in detention for weeks or months before deportation. Lastly, in the absence of legal representation, it is difficult to ensure that no force or coercion is used where an individual is unwilling to speak to immigration officials

### Re-unification with family or relatives

After interrogation, the immigration officials often ask whether the deportee has any friends or relatives they would wish to contact – and will then get in touch with these contacts on behalf of the deportee. It is at this point also that the officials let the deportee know that there is an RLP representative at the airport with whom they can talk if they wish. Deportees are usually

February 2017



Activists and human rights groups in Nigeria protest against deportations by Britain to Nigeria, January 2017.

reluctant to make contact with their families and friends, and some have even refused to meet with RLP staff despite initial contact and reassurances prior to their deportation.

The reluctance to contact family and friends often comes from fear of endangering or disappointing family or from fears for personal safety. One woman who fled to the UK having been attacked on several occasions after her family discovered that she was in a relationship with another woman was later deported back to Uganda. She could not return to her family and feared to contact her partner as this would again endanger them both. Additionally, she was deeply disappointed in herself because she felt she had let her partner down (her partner had arranged for her to leave the country). She subsequently lived in a remote area where she could hide her identity and only accessed psychosocial assistance from RLP when discreet transportation to and from her house could be arranged.

In several instances where a deportee sought asylum on grounds of their sexual orientation, their story has been publicised in

Ugandan newspapers and online by the time the deportation occurred. This not only poses a danger to them but also puts organisations and officers that provide assistance at risk.

In instances where the deportee does not give any contact or relatives live too far away to collect them from the airport, it is in theory the responsibility of the immigration office to arrange transport for them to their desired destination. However, in practice, funds are rarely available for this. In such cases, the deportee will be kept in police detention at the airport until funds are available. Keeping a deportee in criminal detention facilities is not only unacceptable but inhumane and degrading for the returnee.

Sometimes, deportees are returned in bad shape medically due to torture and assault suffered before and during deportation. When the violence has been dispensed by escorts from the deporting country, Uganda's immigration officers have unfortunately failed to reprimand the escorts – and there is no complaint mechanism available to deportees to report cases of disproportionate use of force during return flights. Worse still, there

is no medical attention provided to such individuals. In one case, a deportee from the UK whose legs and arms were visibly swollen due to the tightly secured cuffs, whose lips were bruised due to beatings and whose hair had been pulled out due to the force used when dragging her was handed over to immigration officers and later to RLP staff. The immigration officers did not protest or reprimand the UK escorts at all. RLP was left to cover the medical bills while attempts to bring legal action against the UK escorts failed.<sup>4</sup> The treatment by the deporting country officials constitutes one set of violations, while the inaction by Uganda's state agents in such instances also constitutes a violation of the state's duty to fulfil its human rights obligations towards its citizens.

### Reintegration

Reintegration into the community is in some cases extremely difficult, particularly for those who have no family support. Uganda does not have a state-supported post-deportation monitoring or integration programme, and RLP is the only organisation providing legal and psychosocial assistance to deportees. The immediate needs that deportees present include a place to stay, money for their daily sustenance, and medical assistance for those injured during removal and for those with pre-existing medical conditions. Some deportees suffer trauma and depression which can result in severe mental health problems if not attended to.

RLP and some civil society organisations in the deporting country seek to maintain contact with the individuals and to provide necessary assistance. However, shortage of resources and security concerns for staff limit what is possible. For survivors of sexual violence and victims of torture, RLP has found that setting up support groups has yielded useful peer support and increased resilience; this approach could be explored for deportees.

For some deportees security concerns arise once again. On one occasion RLP ran into an individual at the airport who had been deported from the UK a month earlier and who was now heading to another country to seek asylum. The

fact that a person is willing to subject themselves once again to the gruesome process of seeking asylum and the risk of deportation reflects a much deeper story of the circumstances in which they lived before leaving the country and after their return.

### Conclusion

For many deportees, the future is grim upon return to Uganda. The processes that they must endure on arrival further exacerbate this situation. RLP in Uganda and civil society organisations in deporting countries provide a flicker of hope but this risks being extinguished by inadequate resources and security threats. Further, a number of cases go without support either because information is received late or flights arrive at night or simply because there is no information. While deporting states maintain that those deported are not in danger of torture or other inhuman treatment, first-hand accounts show otherwise. Worse still, deporting states often do not follow up on what transpires post-deportation, and Uganda has no official post-deportation monitoring mechanism to provide much-needed assistance to individuals. The practice of deportation and its ramifications need to be given the attention they deserve through continuous and systematic documentation. Otherwise, human rights violations in this sphere will continue unabated.

### Charity Ahumuza Onyoin

*c.ahumuza@refugeelawproject.org*

Access to Justice Programme Manager, Refugee Law Project, School of Law, Makerere University  
[www.refugeelawproject.org](http://www.refugeelawproject.org)

1. Uganda Human Right Commission (UHRC) *18th Annual Report 2015*, p7 <http://uhrc.ug/reports> and October 2016 UHRC Universal Periodic Review report p6

<http://uhrc.ug/uganda-human-rights-commission-upr-report>

2. Usually through the Post Deportation Monitoring Network: see box on p87 and [www.refugeelawproject.org/post-deportation-monitoring](http://www.refugeelawproject.org/post-deportation-monitoring)

3. Dolan C, Schuster L & Merefield M (2012) 'The Impact of Deportation: Some Reflections on Current Practice' [www.refugeelawproject.org/files/briefing\\_papers/The\\_Impact\\_of\\_Deportation.pdf](http://www.refugeelawproject.org/files/briefing_papers/The_Impact_of_Deportation.pdf)

4. RLP would welcome information about good practice in this area, for example through establishing independent taskforces or involving regional/international bodies.

February 2017

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

Sevda Tunaboylu and Jill Alpes

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

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

### People in Greece at risk of deportation

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

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

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

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

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

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

February 2017



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

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

### Non-Syrians forcibly returned to Turkey

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

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

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

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

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

February 2017

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

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

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

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

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

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

### Syrians returned

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

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

## Monitoring returns

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

### Sevda Tunaboylu

[Msevdatunaboylu@hotmail.com](mailto:Msevdatunaboylu@hotmail.com)

Master's student, Universitat Pompeu Fabra  
[www.upf.edu](http://www.upf.edu)

### Jill Alpes [m.j.alpes@gmail.com](mailto:m.j.alpes@gmail.com)

Postdoctoral Researcher, Vrije Universiteit  
Amsterdam [www.vu.nl](http://www.vu.nl); Visiting Researcher, CERI  
Sciences Po Paris [www.sciencespo.fr/en](http://www.sciencespo.fr/en)

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

1. Di Bartolomeo A (April 2016) *EU Migration Crisis Actions with a focus on the EU-TR agreement* Migration Policy Centre <http://bit.ly/MPCApril2016>; Spijkerboer T (September 2016) *Fact Check: Did the EU-Turkey Deal Bring Down the Number of Migrants and of Border Deaths?* <http://bit.ly/SpijkerboerSept2016>
2. Data from Greek police website [www.astynomia.gr/newsite.php?&lang=](http://www.astynomia.gr/newsite.php?&lang=)
3. Amnesty International Turkey: *Syrian Refugees Released From Detention*, 26 May 2016 [www.amnesty.org/en/documents/eur44/4124/2016/en/](http://www.amnesty.org/en/documents/eur44/4124/2016/en/); Kingsley P and Abdulatif E 'Syrians returned to Turkey under EU deal 'have had no access to lawyers'', 16 May 2016 <http://bit.ly/Guardian-160516>
4. AI (2015) *Europe's Gatekeeper: Unlawful Detention and Deportations of Refugees from Turkey* [www.amnesty.org/en/documents/eur44/3022/2015/en/](http://www.amnesty.org/en/documents/eur44/3022/2015/en/); Human Rights Watch 'Turkey: Syrians Pushed Back at the Border', 23 November 2015 <http://bit.ly/HRW-231115>
5. Gerda Heck, 19 June 2016 <http://bit.ly/Heck190616>
6. European United Left/Nordic Green Left (GUE/NGL) report on Delegation to Turkey, 2-4 May 2016 <http://bit.ly/GUE-NGLreport>
7. See endnote 9 plus Bridging Peoples Association, Press release on Pehlivan köy removal centre, 4 May 2016 [www.halklarinokorusu.org/en/](http://www.halklarinokorusu.org/en/)
8. European Commission (8 December 2016) *Fourth Report on the Progress made in the implementation of the EU-Turkey Statement*, p5 <http://bit.ly/AI-Turkey190516>
9. Amnesty International Turkey: *Syrians returned from Greece, arbitrarily detained*, 19 May 2016 [www.amnesty.org/download/Documents/EUR4440712016ENGLISH.pdf](http://www.amnesty.org/download/Documents/EUR4440712016ENGLISH.pdf)

## Post-deportation resources

**Post-Deportation Monitoring Network** • [www.refugeegalaidinformation.org/post-deportation-monitoring](http://www.refugeegalaidinformation.org/post-deportation-monitoring)

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

**Deportation Global Information Project** • <http://postdeportation.org>

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

