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For freedom of movement: Independent information for refugees and migrants coming to Europe

من اجل حرية التنقل : معلومات مستقلة للأجانب و المهاجرين القادمين الى أوروبا

Pour la libre circulation: Informations indépendantes pour réfugiés et migrants arrivant en Europe

برای آزادی و حرکت : اطلاعات مستقل برای پناهندگان و مهاجران آینده در اروپا

www.w2eu.info

contact@w2eu.info -  
|w2eu\_info@yahoo.com

## Information on what to do in case of Interceptions or Readmission/ Deportation to Turkey

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### I. INTERCEPTION AT SEA:

**In case** your boat was intercepted by Turkish coastguard; or you were found at the Turkish border while you were trying to cross irregularly; or you were rescued by the Turkish coastguard and taken back to Turkey:

\* You will be first taken to the closest law enforcement agency (police, coast guard or gendarme) where they will make an identification procedure. You will be asked to give your ID information.

\* You will be given an administrative fine for trying to cross the border illegally. The amount of money you have to pay will be written on paper. You are expected to pay the money within a few weeks but usually people do not pay it. If you are planning to stay in Turkey, you might be reminded to pay the fee. If you are going back to your country (forced or voluntarily), the authorities usually do not ask you to pay it.

**ATTENTION:** If there are several boats taken back to Turkey, interviews can take a long time and the authorities might be overwhelmed and so you might have to spend a few days with the law enforcement unit.

**ATTENTION:** If there are casualties in the boat accident, it becomes a murder investigation. You will be held longer under the law enforcement agency's control for further investigation and identification of the bodies.

\* After the investigation of the law enforcement is finished, they will take you to the city center and hand you over to the Migration Management Directorate, which is in charge of detentions, deportations, voluntary returns and asylum applications in Turkey.

\* Most of the time **citizens of Syria** are dropped off at the city center or in front of the detention center. If authorities realize or if you tell them that you are not registered in Turkey, they will take you to pre-registration center and then release you. **Be aware:** there have been a few cases

where Syrians were held at detention centers or were sent to government's temporary reception centers on the Southeast part of Turkey, mainly Düziçi Camp in Osmaniye, close to Adana. If you are taken to one of these camps, they might ask you if you want to go back to Syria. You might be held there for couple of days.

**ATTENTION:** If you are **forced** to sign a voluntary return document, get in touch with an NGO or the lawyers' bar association of the city you are in; if possible, both. Please check the 'Whom to Contact?' section for more information.

\* **People who are not from Turkey or Syria** are taken to a removal center to be deported. Usually, they will take people to one of the removal centers at the Aegean border; such as İzmir, Aydın, Muğla or Çanakkale. If there are no free spaces in those detention centers, you can be 1) detained in a government-run large space such as a sports hall until a space opens up at the removal centers or 2) transferred to another removal center inside the country. For further information please check the 'Detention' and 'Whom to Contact?' sections.

**ATTENTION:** You have the right to seek asylum even if you are detained and deportation procedure starts, if you face a risk of persecution in case of deportation. The detention center authorities must take your application. To understand how you can make an asylum application in detention, please check 'Detention' section.

## **II. READMISSION FROM GREECE TO TURKEY:**

Turkey accepts readmission requests by Greece:

- 1) If the person did not apply for asylum in Greece,
- 2) If their asylum claim is considered inadmissible by Greece or
- 3) If the asylum claim has been rejected by Greece
- 4) If you make an official request to be returned to Turkey.

### **HOW TO PREPARE BEFORE YOUR DEPORTATION**

Here are some **useful things to know before your deportation** from Greece:

\* Before the deportation, call the number of the arrest phone and tell your personal details for help to find a lawyer in Turkey. The phone number is run by activists in Lesvos:

Phone number of Greek Arrest Phone: +30 694 840 7217

\* Your phones will be confiscated by the police before the deportation! Therefore learn important numbers by heart and/or write them on a small sheet of paper/ your body. Choose the number of 1. (most important) a Turkish lawyer/ detention hotline, the arrest phone or family member/friend.

\* Try to take cash money and/or an international phone card with you! In detention you will only be able to use a Turkish pay phone.

\* Try to take a pen and paper with you to be able to apply for international protection or to be able to ask for a lawyer in a written form.

## After your deportation

\* **After being readmitted to Turkey, citizens of Syria** are directly taken to the reception center in Osmaniye – Düziçi (close to Adana) or to one of the government run camps. Unless returnees state that they want to go back to Syria or another country they are legally allowed to enter, they are taken under temporary protection and are mostly allowed to choose the city they prefer to live. No cases of forced deportation of Syrians who have been readmitted from Greece to Turkey have been recorded so far.

\* **People from other countries than Syria** are directly taken to a detention center for deportation purpose. The majority of the returnees have been deported back to their countries. Very few returnees applied or managed to apply for international protection (asylum). Some of those were given status and were released but some of the asylum applications were rejected.

## **III. DETENTION IN TURKEY:**

### **Know your rights!**

\* In Turkey, only people who are going to be deported are detained in removal centers. The maximum detention period is 6+6 months, so 1 year in total. If a person cannot be deported within one year, Turkey has to release them.

\* You can appeal against the detention decision. If you wish to do so, you will need to apply for free legal aid or hire a lawyer as the application is made to judge. Unfortunately, the judges usually overrule the appeal and continue to detain you

\* Even though there is a deportation order and you are in a removal center, **you can apply for asylum**. You must make a written application. Find a piece of paper and pen; and write a petition explaining the risks to your life and what might happen to you in your country in case you are deported and request asylum. You can write it in your language. Hand the petition to the authorities. They must take your petition and register it. **IF THEY DO NOT**, it means the authorities are abusing their power. You must get in touch with a lawyer. You can also make a complaint against the authorities who abused their power. Consult a lawyer from the contacts section below.

**REMEMBER:** Both international and Turkish national law bans Turkey from deporting people to places where they will face persecution. Only exception in the national law is if the government assesses the person to be a member of a terrorist organization.

**ATTENTION:** The aim of detention is to deport and this can happen from a few days to a few months after your detention. In rare occasions people get released upon receiving expulsion paper, which states that they must leave Turkey regularly within one month (time frame can differ). This expulsion paper is given when migration management office's workload is very heavy and/or when detention centers are working full capacity. Although most people desire to receive this document as it does not require entering into the asylum procedure, as mentioned before it is given rarely and it is not given upon request.

\* Unless government assesses that the person is affiliated with terrorist organizations, **Syrians** are not detained as they are not deported. On the other hand, there have been recorded cases of forced voluntary returns where Syrians were forced to sign voluntary return documents. If you are

in a similar situation, please check the 'Whom to Contact?' section.

## **ASYLUM PROCEDURES**

\* If you are **non-Syrian** and you decide to lodge an asylum claim in Turkey, there are 4 scenarios that might happen:

- 1) Your asylum claim will be processed under **fast track assessment**. This means that you will be interviewed within 3 days after your asylum application and you will receive a decision within 5 days after your interview. If it is a positive one, you will be released and you will be referred to one of the so called "satellite cities". You must go to that city and register with the migration office there within 15 days of your release, unless you are given another time frame to do so. Otherwise, your stay will become irregular and your international protection application will get canceled.
- 2) If your asylum claim is rejected under the fast track assessment, the deportation procedure will continue. To appeal to this decision, you must hire a lawyer and appeal to the court. You can appeal to the court within 15 days, otherwise the decision will become the final decision and cannot be appealed. **ATTENTION:** understand the reasons of the rejection very well as you must appeal against these points specifically!
- 3) In certain circumstances (especially during a heavy load of asylum applications) you might get released as international protection applicant. In other words, without your asylum claim getting assessed. In this case, you will be released and you will be referred to one of the satellite cities. You must go to that city and register with the migration office there within 15 days of your release, unless you are given another time frame to do so. Otherwise, your stay will become irregular and your international protection application will get canceled.
- 4) Your asylum claim can be considered inadmissible. In this case you will not be interviewed and deportation procedure will proceed. To appeal to this decision, you must hire a lawyer and appeal to the court. You can appeal to the court within 15 days, otherwise the decision will become final and cannot be appealed.

Whose asylum claims are considered inadmissible in Turkey? If you come from a safe 3<sup>rd</sup> country, if you have lodged an asylum claim in another country, and if you lodged asylum claim in Turkey before and you do not present a new asylum claim.

## **IV. WHOM TO CONTACT?**

If:

- You are in a deportation process and/or detained and you want to appeal to the detention and deportation decision;
- You are trying to apply for asylum but your asylum application is not registered;
- your asylum application is rejected and you want to appeal to that decision;
- you need to apply for free legal aid or if you have the financial means you can hire a lawyer.

**ATTENTION:** All your belongings will be taken from you when you are admitted to a removal center. Hence you will not have your phone with you and you will have limited access to phone and no access to internet.

## **BAR ASSOCIATIONS AND FREE LEGAL AID:**

\* Applications for free legal aid are supposed to be made in person to the bar association (which is an organization of lawyers) of the city you are in (e.g.: if you are detained in İzmir removal center, you must call İzmir Bar Association – other bar associations cannot help you). However, in detention, you cannot go to the bar association. Hence you have to tell your request for free legal aid to the administrative authorities of the removal center. You must write down your request for free legal aid and hand it to removal center authorities.

**ATTENTION:** If removal center authorities refuse to take your petition or do not inform the bar association about your request, get in touch with an NGO.

\* Once they take your application, the bar association evaluates your application and decides whether to provide you with free legal aid.

**ATTENTION:** Sometimes, requests made from removal centers do get rejected. In other words, there is no guarantee that the bar association will provide you legal aid, hence a lawyer.

\* Still, asking for free legal aid is the first step (unless you can hire a lawyer). In addition to making an official request by giving a petition, you can try to call the free legal aid office in the city where you are detained.

**ATTENTION:** In most cases, the person answering the phone can only speak Turkish and maybe some English as well. Hence, if you don't speak Turkish, you will experience a problem in communication.

## **REMOVAL CENTERS IN TURKEY AND CONTACTS TO BAR ASSOCIATIONS:**

	<b>City</b>	<b>Bar Association – Legal Aid Commission Number</b>
1	ADANA	0090 322 359 22 24
2	ANTALYA 1	0090 (242) 238 61 55 (extension: 129)
3	ANTALYA 2	
4	AYDIN	0090 256 225 13 47
5	ÇANAKKALE	0090 286 212 71 71
6	EDİRNE	0090 284 213 41 61
7	ERZURUM 1	0090 442 233 10 20
8	ERZURUM 2	
9	GAZİANTEP	0090 342 230 63 72
10	HATAY	0090 326 215 18 77
11	İSTANBUL (Silivri)	0090 212 727 11 45
12	İSTANBUL (Binkılıç)	0090 212 789 13 20
13	İZMİR (Harmandalı)	0090 232 461 11 06
14	KAYSERİ	0090 352 221 42 33
15	KIRKLARELİ	0090 288 214 13 16
16	KOCAELİ	0090 262 321 13 90
17	MUĞLA	0090 444 90 48
18	TEKİRDAĞ	0090 282 261 12 83

19	VAN 1	0090 530 405 57 90
20	VAN (Kurubaş)	

### **NGO's:**

\* It is always better to get in touch with NGOs while you are in detention so they can follow up and make sure everything is going according to the law, your rights are not violated and also to make interventions, if your rights are violated.

\* Please check <http://w2eu.info/turkey.en.html> and get in touch with the Welcome to Europe network for further questions (<http://www.w2eu.info/contact.en.html>)

### **KEEP IN MIND:**

\* **DO NOT SIGN ANY DOCUMENT THAT YOU DO NOT UNDERSTAND!** Translation is your right! And keep in mind that if the document you signed was not explained and translated to you, your lawyer can argue at the court that it is invalid.

\* **Take the contact detail of your lawyer.** If you are transferred to another Removal Center, your lawyer will face difficulty finding your whereabouts. You can inform her/him, if you have her/his contact info.

\* According to Turkish law; if you are **assessed (believed by the government)** to have ties with terrorist organizations, you will get deported - even if you lodge an asylum claim and even if you have refugee status.

\* When you are in detention, **try to get in touch with the UNHCR and let them know about your situation** as well. Your lawyer can try to get in touch with them on your behalf:

\* If you feel like your lawyer is not experienced, ask them to get in touch with one of the experienced refugee rights NGOs and/or UNHCR. NGOs will explain your lawyer the procedure.

\* If you are treated badly at the removal center, let your lawyer or organization you are in touch with know about it.

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### **What is w2eu.info?**

*w2eu.info provides contacts and counselling to refugees and migrants on their way. At the outer borders of Europe, people are refused entry, they are imprisoned and deported. Nevertheless people are coming. w2eu.info is supporting you who come to Europe in your struggle for a better life. We welcome all travellers on their difficult trip and wish you all a good journey - because freedom of movement is everybody's right!*

Internet:  
[www.w2eu.info](http://www.w2eu.info)

Contact:  
[contact@w2eu.info](mailto:contact@w2eu.info) -  
[w2eu\\_info@yahoo.com](mailto:w2eu_info@yahoo.com)

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