The Institutionalization of “Voluntary” Returns in Turkey

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ABSTRACT: The increasing salience and variations of “voluntary” return techniques have not yet been thoroughly investigated in the context of Global South countries, which host the majority of displaced people. As the largest refugee host and transit country, the case of Turkey provides important insights on the role that these instruments and the very notion of “voluntariness” play for migration governance. This article specifically looks at how Turkey develops and implements its own “voluntary return” instruments. The analysis illustrates different ways in which “voluntary” returns are being institutionalized at central state and substate levels across the country. It shows how these national mechanisms are imposed at multiple sites, while also being diffused as practices in everyday interactions with refugees across the country. The arguments I put forward arise from qualitative research that combined mapping of policy papers, national legislation, and interviews with returnees and other relevant stakeholders.

KEYWORDS: detention, mixed migration, removal centers, return, Syrian refugees, Turkey, voluntariness

A growing body of literature examines how governments, international organizations (IOs), nongovernmental organizations (NGOs), and local institutions cooperate to achieve the return of rejected asylum seekers (De Genova 2016; Koch 2014; Spathopoulou et al. 2020). However, relatively little is known about return experiences in the Global South (Missbach and Phillips 2020). Some countries have recently started to develop more concrete formal policies and administrative structures to institutionalize “voluntary” returns with the support of IOs.

This article examines this development in the case of Turkey, the largest refugee host and transit country on the eastern Mediterranean route of irregular movements toward Europe. It shows that the emerging Turkish return regime relies on instruments and discourses that echo those of European countries, due to close cooperation—including substantial financial and technical support from the EU—that has triggered learning processes occurring at the national, local, and international levels. Based on empirical data, including combined mapping of policy papers, national legislation, and interviews with returnees and other relevant stakeholders, I show that in Turkey, “voluntary” return mechanisms are being institutionalized mainly at the central and substate level, with nonstate and international actors playing supportive roles. More specifically, I trace the implementation of these mechanisms through various sites, including police stations, detention centers, refugee camps, and migration offices, and thereby try to highlight some of the concrete practices through which “voluntariness” is being imposed on migrants. My analysis focuses on three central aspects of the emerging Turkish return regime: 1) the taking of signatures via “voluntary return forms,” 2) the increasing reliance on detention

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in officially called “removal centers,” and 3) the development of a national assisted voluntary return and reintegration mechanism.

The literature on the return of “unwanted migrants” is geographically fragmented. While studies on cases in the Global North focus on the deportation and readmission of individual rejected asylum seekers (Walters et al. 2021; Sökefeld 2019), those on the Global South examine larger repatriation operations (Crisp and Long 2016; Gerver 2018). In addition, while it is assumed that liberal states in the Global North work within the limits of the rule of law, Global South countries rely on either informal methods or international organizations like the United Nations High Commissioner for Refugees (UNHCR) to effectuate returns. Central policy categories like “irregular migrant” and the overall objective of “combatting irregular migration,” as well as control tools such as administrative detention, readmission, and “voluntary” assisted return, are gradually becoming more relevant in the Global South. Despite a certain degree of ambivalence about various aspects of the concepts Global North and Global South, they arguably denote less hierarchical relations than their predecessors (e.g., third world, non-Western world, non-developed world), although it is not always clear who is part of the Global South and who is not (see Fiddian-Qasmiyeh 2020). Recognizing this ambiguity, it is possible nonetheless to categorize Turkey as a part of the Global South.

Among available return tools, voluntary return and reintegration programs (AVRRs) have received extensive policy and scholarly attention in the Global North. These programs incentivize the return of migrants and rejected asylum seekers from Europe to their origin countries and assist their post-arrival reception and reintegration in these countries (IOM 2015). In contrast to policy-makers’ expectations, empirical studies show that AVVRs are not fully “effective” policies (Koser and Kuschminder 2015; Lietaert et al. 2017). They also suffer from conceptual ambiguities around key concepts, including the sustainability of return and reintegration (Cassarino 2008; Kuschminder 2017). Scholars argue that AVVRs hide the violence inherent to contemporary border regimes by masking it under the liberal democratic governing scheme and by framing return as “voluntary” (Koch 2014; Spathopoulou et al. 2020). At the same time, voluntariness is often dismantled by various forms of coercion, or by a lack of preparedness, real alternatives, and access to reliable and trusted information and effective legal remedies (Crisp and Long 2016; Erdal and Oeppen 2018). Furthermore, independent monitoring of the implementation of return, mainly in regard to ethical and procedural standards, is rarely attainable (Pirjola 2019). Despite widespread criticism of AVVRs, their popularity in policy circles raises the question of whether and how they are being diffused to non-Western countries.

Voluntary return programs have received relatively little scholarly attention in transit-turned-host countries (Norman 2019), which are intensively subject to the externalization of migration control by the EU. Such programs are sometimes implemented by the International Organization of Migration (IOM), as in Libya, Morocco, and Tunisia (Maâ 2021; Rodriguez 2019). These countries encounter large mixed migration movements and the protracted stay of transit migrants who cannot continue their migration journeys to Europe due to ever-stricter policies and deadly risks in border crossings. The dilemma is that these countries seek to prioritize their national interests by guaranteeing external funding on the one hand, while trying not to become buffer zones and managing domestic public uneasiness about immigration on the other (Mencutek 2018). Thus, they extensively use detention and deportation instruments against apprehended undocumented and transit migrants, causing human rights violations, high costs, and ineffectiveness in decreasing the number of expulsions (Broeders 2010). Since it is expected that transit countries in the Global South will emulate voluntary return policies of the Global North, it is worth taking a closer look at the former. As one transit-turned-host country, the
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This study—designed as an extended single case analysis—seeks to develop a deeper understanding of how voluntariness is imposed on returning migrants (including refugees, asylum seekers, and irregular migrants). As a method, an ethnography of migration in one country enables the researcher to "describe and explain the articulation of macro structures with members’ lived experience and micro interactions" (Fitzgerald 2006: 12). In the case of what I refer to as the imposition of "voluntariness," this method opens the black box of the institutional context and helps trace return processes in fine-grained detail, while covering varied instruments, multiple sites, and both formal and informal practices. Despite single case studies’ obvious limitations in terms of generalizability, the case carries the potential to generate new theoretical insights and revisit existing findings.

The case of Turkey—since 2014, one of the largest transit-turned-host countries—is a suitable (though not representative) example for an examination of the imposition of "voluntariness" among refugees and irregular migrants. The case contributes to a better understanding of the return of unwanted migrants because it emphasizes the recent and ongoing development of national voluntary return instruments. Additionally, Turkey’s vital position in the EU’s migra-
tion control and externalization policies allows us to follow policy diffusions between countries of the so-called Global South and North (Freier et al. 2021: 1).

The study relies on data from several rounds of multisited ethnographic fieldwork conducted between 2018 and 2021 in Istanbul, Izmir, Sanlıurfa, and Gaziantep. This period is when the question of return started to receive significant public, political, and scholarly attention (İçduygu and Nimer 2020). The first round of data collection in the summer of 2018 was conducted within the EU-funded RESPOND project on migration governance, which did not specifically look at returns. The research team in Turkey consisted of four researchers, who conducted 108 stakeholder interviews with NGO representatives, human rights advocates, lawyers, bureaucrats, IO officers, local municipalities, journalists, and scholars. I added a specific question on the return issue to the semi-structured interview questionnaire. Some interviews cited in this article are taken from this project’s jointly published country reports (Aras and Mencutek 2019; 2020). I mainly use my own interview excerpts, while a few citations come from the other research team members, who granted me permission for usage in publications. This first round also interviewed 40 migrant research participants and asked about their return aspirations and experiences. I conducted the second round of 15 interviews with Syrian-led organizations in winter 2019, focusing on ongoing connections with their home country, where the matter of return is pertinent (Mencutek 2021a).

More in-depth interviews with a particular focus on return were conducted between November 2020 and June 2021; I conducted 17 interviews with stakeholders, mainly lawyers, scholars, human rights groups, and NGO representatives in this round. There was difficulty in securing interviews with state officers and IO representatives due to the political and bureaucratic sensitivities around return issues in general, deportation and removal centers in particular. To compensate for this, I did extensive research through my various online platforms. Additionally, I conducted interviews with 15 returnees about the perceived “voluntariness” of their return. The only accessible returnee group for face-to-face interviews was Syrians. The support of a Turkish Arabic-speaking research assistant, who had contributed to the previous two rounds of fieldwork, helped us to access Syrians. The assistant had a permit to travel inside northern Syria and has strong trust relations with the Syrian community in some border provinces. Thus, he conducted interviews in Arabic with six undocumented Syrians who were deported and subsequently reentered Turkey using irregular pathways, and nine returnees who still live in Syrian towns located on the border. He provided extensive notes about the interviews in Turkish, which I subsequently translated into English. Due to barriers of access, accounts of the experiences of Afghans and other returnees are derived from the lawyers who had engaged with them in judicial processes. International journalistic accounts are also valuable sources with which to fill other relevant gaps. In turn, the relevant Turkish primary and secondary legislation and statistics are also reviewed to investigate the formal regulations concerning returns and official figures. At the same time, the reports and press releases of human rights organizations and news in Turkish media provide significant insights into the implementation of these regulations in practice. In this article, migrant interviewees are anonymized by using pseudonyms, and the locations and dates of interviews are not noted for reasons of confidentiality and security.

**Context: Contested Identification of Displaced People and Relevant Figures**

Although Turkey has been a member of the Council of Europe since the 1950s, an associate member of the European Economic Community since 1963, and officially recognized as a candidate for full membership of the European Union since 1999, it is often referred to as part of the
Global South, particularly by scholars of critical international relations (Bilgin and Ince 2015), globalization (Öniş and Kutlay 2013; Bayar and Arpa 2020), and comparative migration studies (Adamson and Tsourapas 2020). In my research, I also approach Turkey as being closer to the Global South than the Global North regarding migration governance, while acknowledging that it remains, on many levels, in an in-between position.

As of May 2021, Turkey hosts the largest registered refugee population in the world. According to the latest available figures from its national migration agency, the Directorate General of Migration Management (DGMM), more than 4.7 million foreign nationals are present in Turkey, including some 3,671,811 Syrians under temporary protection status and 31,334 international protection applicants mainly from Afghanistan, Iraq, and Iran (DGMM 2021). Neither of these large groups has officially been labeled “refugees” because Turkey maintains the geographical limits of the 1951 Geneva Convention and its 1967 Protocol. Turkey is also a party to the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and the Convention against Torture, requiring the state to respect the principle of non-refoulement (Ineli-Ciger 2017). Although almost all displaced people seeking asylum come from non-European countries, Turkey does not grant official refugee status. Instead, the national asylum regime builds on three complementary statuses: conditional, subsidiary, and temporary protection, as introduced in its first ever national asylum law, the Law on International Protection and Foreigners (LFIP 2013). When faced with the massive cross-border displacement of Syrians since mid-2011, the Turkish government pursued an open-door policy to ensure the non-refoulement principle and provided essential services in shelter, education, and health; it officially granted group-based temporary protection status to millions of Syrians in 2014. At the same time, it gives conditional refugee status to non-Syrians through an individual refugee status determination process. Both official statutes fail to guarantee long-term settlement prospects to asylum seekers, leaving them in a situation of vulnerability aggravated by long waiting periods, the impossibility of resettlement to third countries, and economically precarious conditions for survival (Rygiel et al. 2016).

Due to mixed migration movements, Turkey is a place for many undocumented—officially called “irregular”—migrants besides asylum seekers. As expected, there are no official statistics about their numbers, although the numbers of apprehended migrants, mainly during their failed border crossing attempts, provide some proxies: 268,003 in 2018; 454,662 in 2019; and 122,302 in 2020 (DGMM 2021). People from Afghanistan, Syria, Pakistan, and Iraq comprise the majority of migrants apprehended when entering or exiting the country (ibid.). The actual number of undocumented migrants is suspected to be much higher. In this mixed context, reflecting the nexus between irregular migration and asylum, there is a lack of country-based official information about the numbers of returnees. Existing figures focus on summer 2019, when the Istanbul Provincial Governorate led a crackdown operation targeting unregistered migrants. A parliamentarian noted that the operation led to the identification of eighty thousand unregistered “irregular” migrants, with seventy-five thousand being returned to their countries of origin (TBMM 2019). According to Istanbul PDMM’s press release, some “42,888 illegal migrants were transferred to removal centers, and 6,416 unregistered Syrians were sent to temporary accommodation centers” between July and November 2019 (Istanbul PDMM 2019).

Afghans made up the largest group among the returnees because they are both the major apprehended “irregular” migrant population and the largest group of people who applied for international protection in Turkey: 22,206 applications in 2020, according to official figures (DGMM IP 2021). In the same year, of a total of 454,662 “irregular” migrants apprehended by Turkish officials, 201,437 were Afghan (DGMM Irregular 2021). According to EU figures, Turkey returned 96,201 irregular migrants throughout 2019, of whom around 55,000 were returned
to Afghanistan (EC 2020: 48). From March to August 2020, deportations from Turkey were suspended due to the pandemic. The first recorded deportation of the year was in September 2020, targeting 7,300 Afghans (Analyst 2020). It might be inferred that approximately 20–25 percent of apprehended Afghans are sent back to their country of origin. An interviewed expert from an IO also said that “21–22 percent of irregular migrants are sent back, while 20 percent cross to Europe and 60 percent continue to live in Turkey irregularly.”

The second-most significant country of origin is Pakistan, and the third-largest “irregular” apprehended migrant group in Turkey are Syrians. In 2019, some 55,236 Syrians were arrested as “irregular.” Their return situation is much more complicated. The DGMM reported that around 364,663 Syrians in total had “voluntarily” returned as of October 2019 (Gocgov 2019). It is known that many of these returns happened spontaneously and voluntarily when security dynamics slightly improved in some areas in northern Syria along with Turkey’s cross-border operations (Mencutek 2021b). However, among this overall figure, the numbers of forcibly returned Syrians reported by human rights organizations in 2019 range from a few hundred (Amnesty International 2019; Human Rights Watch 2019) to six thousand (SJAC 2020).

Regarding the legality of returns, the concern revolves around the non-refoulement principle, which is binding for Turkey due to the abovementioned international conventions. The Turkish government authorities, mainly the Ministry of Interior (MoI) and the DGMM bureaucrats, concisely underline that “it is not possible to issue deportation decision[s] legally about Syrians due to the conditions in Syria” (AA 2019). They add that “Turkey neither has a right, capability, a system, [or] a practice in this regard” (Yeniçağ 2019). In public speeches, officers consistently express that although Turkey strategically prioritizes the return option in combatting irregular migration, it wants a safe and dignified return of these migrants, because Turkey has a humanitarian stance. Therefore, claiming the voluntariness component in all return cases, at least on a discursive level, is essential for the DGMM. A discussion of the drivers and logic of this stance concerning domestic and international politics is beyond the scope of this article, as the focus here remains on the institutionalization of voluntariness by state and substate actors.

There are many pieces of evidence that suggest that Turkey seeks to impose “voluntariness” on Syrian and non-Syrian displaced people within its national territories. The imposition mainly occurs when migrants encounter border and law enforcement officials during apprehensions before departure or after an unsuccessful crossing via sea or land borders. Migrants also confront state officers when they become involved in public disputes or are found to be unregistered during random identity checks. Before moving to the related practices, it is crucial to map out the national return mechanisms.

### National Legal Instruments and Programs for Removals and Assisted “Voluntary” Returns

Turkey gives increasing attention to the apprehension, detention, and return of “irregular” migrants as a control and deterrence strategy. Growing focus on “combatting irregular migration” and border management has turned into the consolidation of sophisticated legislation and administration tools in recent years. The EU financially and technically supports the process via several projects for policy harmonization, capacity building, expertise transfer, and data sharing (İşleyen 2017).

Regarding returns, Turkish national asylum legislation, introduced in 2013, provides very detailed regulations about “removal” decisions (Art. 53–55, 60), administrative detention (Art. 57), removal centers (Art. 58–59), and the support of voluntary return (Art. 68) (LFIP 2013).
When security forces (border guards, gendarmes, or police) apprehend a foreigner for any reason, including illegal entry and exit or lack of documents, they must inform the related governorate and the Provincial Directorate of Migration Management (PDMM), which would decide between (officially called) “invitation to leave,” administrative detention, or direct transfer to the border points for deportation in 48 hours if the person does not seek asylum. The given governorate may issue administrative detention for up to 12 months. Every month, the governorate reassesses the necessity of continuation of detention (Art. 53, LFIP 2013). In 2019, the limits of “removal” criteria were extended by opening more space for criminalization on flimsy grounds, such as threats to public order, security, and health (Art. 54, LFIP 2013). Syrians under temporary protection and non-Syrians holding conditional refugee status have all been subject to these provisions in recent years, as noted by NGO representatives and lawyers interviewed.

In practice, until the apprehended person’s files are sent to the PDMM, they might be confined in a police station for registration, medical checks, and updates to the law enforcement database. If there is no removal center in the province where the apprehension happened, or no capacity in the closest ones, migrants stay there for up to 30 days (Öner 2019; Sunata and Erduran 2021). A released person may also be given a deportation decision. However, this document is mistakenly understood as an identity document by migrants, since it is in Turkish and signed by a public officer with the date (Aras and Mencutek 2019: 63). According to interviewed lawyers, many apprehended migrants are released despite deportation orders and stay in the country until they confront law enforcement agencies again.

Besides removals, the Turkish administration has formed the National Return Assistance mechanism. Before 2019, only the IOM’s AVVR program was in place. Some 8,098 migrants, mostly Afghans, were provided AVVR support from 2009 to 2018, mainly via funds to cover charter flights and pocket money upon return (IOM 2021). In 2019, some 2,344 people, mostly Afghans, in addition to Pakistanis and Uzbeks, were returned to their countries of origin through the IOM’s AVRR programs (EC 2020: 48). According to the informants, the IOM took almost 90 percent of requests for assistance from migrants who were already in the removal centers.

The legal grounds for national return mechanisms have been in place since 2014 and were further improved in 2019 by giving full authority to the DGMM to coordinate return counseling and make final decisions. The LFIP mentioned material and financial support for those applicants and international protection beneficiaries who would wish to return voluntarily (Art. 87–91, LFIP 2013). The same article also states that the preparations for voluntary repatriation can be carried out in cooperation with international organizations, public institutions and agencies, and civil society organizations. The Amendment in 2019 added that “irregular migrants” who were issued deportation orders can also benefit from cash or in-kind support for a return to their countries of origin. Irregular migrants can approach IOM or DGMM offices to apply for return assistance, although the DGMM holds the authority to decide on this financial support. According to the interviewed stakeholders, all organizations, including the IOM and UNHCR, have to refer any return requests to the DGMM.

The DGMM has been working to enhance its capacities for assisted returns, receiving technical expertise and financial support to this end from Europe. The flagship project, called SUPREME—“Strengthening Utilization of Additional Policies and Measures for Reinforcing Migration Management in Turkey”—was coordinated by the International Centre for Migration Policy Development for the 2019–2021 period (ICMPD 2021). As a part of the SUPREME project, a joint protocol was signed by the DGMM, the Ministry of Foreign Affairs, the Turkish Cooperation and Coordination Agency (TIKA), and the Turkish Red Crescent (TRC) to operate a national mechanism in June 2020 (EC 2020: 47). The Ministry of Foreign Affairs proceeds with diplomatic dialogues with the countries of origin and prepares travel documents.
The Turkish Red Crescent, historically a government-supported NGO, is committed to take a more active role in the prereturn counseling and coordination with the Red Crescents in the origin countries. The TRC has closely cooperated with the DGMM for returns since February 2015, while the former assigned staff to the removal centers to secure the signatures of returnees on voluntary return forms (TRC 2017: 18). TRC also collaborated with the Afghan Ministry of Migration to run vocational training projects in Kabul to facilitate the reintegration of Afghan returnees from Turkey (TRC 2018). It is intended that the TIKA, Turkey’s development and coordination agency abroad, will take care of the reintegration stage, incorporating returnees’ needs into community-based development projects, like income generation activities in the origin countries, such as Afghanistan. In May 2021, the necessary technical and legislative preparations, diplomatic dialogues, and working group visits for the operationalization of the national return mechanisms were completed. The first pilot return operation—of 43 Afghans—was conducted with the cooperation of Afghan authorities. A close relationship between the two countries and Turkey’s extensive development aid to Afghan infrastructure since 2014 eased the process. The follow-up SUPREME program, funded by Switzerland, was planned to focus on training three hundred return counselors from the TRC and the DGMM. According to the interviewed experts and public statements of institutional representatives, it is believed that this return mechanism will be “locally owned, cheaper and more effective than any other scheme.”

Due to the crisis in Afghanistan in the summer of 2021, the collaboration between Turkish and Afghan authorities was suspended.

**Multiple Sites of Imposition of “Voluntariness”**

Voluntariness is arbitrarily imposed on apprehended migrants in police stations, removal centers, refugee camps, and PDMM offices. As a researcher, I could not access any of these sites to observe procedures and conduct interviews. However, the experiences of migrants, lawyers, and former workers, and the reports of human rights organizations and journalists, provide some reflections despite this limitation. A lawyer respondent from Istanbul summarized the different sites and practices of apprehension and subsequent detentions in 2018:

> There are some apprehensions in airports, particularly in transit zones and the police centres in the airports. Lawyers would have some access to the cases if they heard about it. Moreover, as Istanbul is a metropolitan city, some apprehensions and detentions occur in police stations due to identity-security checks in different neighbourhoods of the province. After irregular migrants’ arrest because of their illegal entry or stay without documents, PDMM is informed about the case. We only get involved when these irregular migrants request legal support. (cited in Aras and Mencutek 2019: 72)

Police stations serve as interim sites for temporal confinement to give officers time to complete paperwork, short investigations, and communication with relevant PDMMs and governorates. However, more people are held there than their custody capacity allows for. Violations of the use of law, officers’ xenophobic attitudes, and ethical problems caused by intermediaries and interpreters are not rare (Sunata and Erduran 2021; Aras and Mencutek 2020). Migrants often encounter barriers in access to their families and lawyers. By the time the initial investigations are completed, migrants might have already been transferred to removal centers.

Removal centers are critical sites that are under the complete control of the DGMM. As of May 2021, Turkey has 26 removal centers with a capacity of 16,108 people. While three of these centers are in Istanbul, others are dispersed across other provinces (DGMM Removal 2021).
2019, the total capacity was 14,726, with an additional capacity of around 1,400 places added with the opening of seven new centers (Aras and Mencutek 2019: 39). The EU funding to Turkey to strengthen border controls was also used to construct new and better-equipped removal centers and increase the capacity of existing ones (ibid.: 39, 71). Still, the capacity of removal centers is far beyond the number of apprehensions—454,662 in 2019 (DGMM 2021)—as noted by interviewed state officers and IO representatives.

Administrative detention practices are decried due to people being deprived of their fundamental rights (AIDA 2019). In addition to difficulties in accessing health services and hygiene, severe physical restrictions on liberties, maltreatment, and humiliation are commonly noted in Turkish media. These all make removal centers like “prisons,” even leading to self-harm or suicide attempts among confined migrants (Bianet 2019). Lawyers’ access to the removal centers is difficult due to heavy bureaucracy and short time frames between detention, investigation, and deportation procedures. Appointment of attorneys, provision of legal aid, and translation services are pervasive problems widely reported by national bar associations (Aras and Mencutek 2020). An interviewed lawyer in Sanliurfa working on refugee issues mentioned several difficulties concerning the access of detained refugees:

> It is not possible to see migrants during detention. As a lawyer, I want to visit them, but officers do not allow and ask for notarised representation form taken from the detained person. However, they do not let the notary take migrants’ signed documents. We ask officers what should be done, saying “we were ordered that the detained person say that X is my lawyer, and I would like to see this lawyer”. But the detained person does not have any access to outside; he does not know whether his family is talking to me, how he could know whose his lawyer? He does not even know that his family has visited a lawyer because they cannot communicate with family. (Aras and Mencutek 2019: 73)

Such problems raise well-grounded suspicions about the voluntariness of signing any forms in these centers. Given the harsh conditions, the imposition of “voluntary” returns and their acceptance by migrants as a last resort is inevitable. As Sunata and Erduran (2021: 12) highlight, “both in the removal centres and in the PDMM, refugees are under pressure of ‘voluntary repatriation’. . . . psychological abuse is applied to clients because of this pressure.”

A few refugee camps (officially called “temporary accommodation centers”) have been turned into detention centers to which Syrians and Afghans have been sent (AIDA 2019). For Syrians who were apprehended during irregular exits, official detention was less likely before the introduction of the 24 May 2018 internal regulation, and they were used to being released right away. However, after this regulation, those suspected to have links with terror groups or those involved in petty crimes, such as street fights, were taken to refugee camps in the southeast provinces, where they have been forced to sign voluntary return forms, according to my informants from border provinces and international reports (AIDA 2019). During an interview, the experience of Hussain, who was arrested in a border city in 2019, confirmed this: “I was given the voluntary return form. I did not have any other option than to sign it. If I did not sign it, I would have stayed in that ‘assembly camp.’ The Court assigned me a lawyer freely, but nothing changed in my situation, and I was sent back.” Besides Syrians and Afghans, according to an interviewed NGO representative in Gaziantep and human rights reports, the members of Dom communities (Syrians of Romani origin)² have mainly been targeted with the pretext that they were begging in the streets and allegedly disrupting “public order” (“Dom Migrants from Syria” 2017).

The capacity and legitimacy problems of detention and increasing criticism from human rights groups have made Turkish migration agencies work on developing formal and informal alternatives and so-called “monitoring” mechanisms. Some informants mentioned the pres-
ence of a commission visiting centers monthly for monitoring purposes. This commission is formed of state organizations, NGOs, and IOs, selected and coordinated by the DGMM (Aras and Mencutek 2019: 72). Additionally, due to the growing criticisms, a special subcommission was formed in 2018 by the Parliament’s Refugee Committee to monitor and report on the conditions in the removal centers.

Moreover, in December 2019, new amendments were introduced in the asylum law, within a detailed article addressing alternatives to the administrative “removal.” These alternatives include, among other things: residence at a specific address, working voluntarily for the public good, reporting duties, family-based return, return counseling, financial guarantees, and electronic tagging (LFIP 2013). However, it is too early to determine how this will affect the practice of preremoval detention. Formulating a national assisted voluntary return mechanism has become the most attractive tool for the Turkish administration and EU donors.

Practices for the Imposition of “Voluntariness”

The signing of voluntary return forms by returnees is the crucial material and administrative procedure for documenting voluntariness, or imposing it if it is lacking. An interviewed Syrian man, Hamid, who applied to the PDMM for return, recounted his experience:

I decided to return. I headed to the PDMM and told my intention to the officer who handed me a form. I did not want to sign this voluntary return form. I want to keep the option of returning to Turkey. But I had to sign it; otherwise, they would not have allowed me to exit from Turkey. So, I signed it, gave away my temporary protection identity card, and went to the border to cross Syria.

Like Hamid, some returnees described agency in their decisions about return, but others presented broken dreams and the impossibility of surviving. These types of “voluntariness” happen due to material deprivation, mainly through the withdrawal of previously offered services such as access to free shelter in camps. The response offered by a local rights-based NGO representative from a border town in an interview in December 2020 highlighted this dimension:

When refugee camps in southeast Turkey were closed down in 2017–2019, there were campaigns for returns. The refugees who had stayed in the camps could not work in cities, and they were the most vulnerable. They were aware that they would not have survived outside of camps. Thus, they accepted the financial aid, signed voluntary return forms, and left for Syria. However, they had to spend [the] limited cash assistance given to them in Syria to survive. Now, they have been trying to reenter Turkey via illegal routes, often paying to the smugglers.

Many migrants also had to sign voluntary return forms due to the lack of other options under pressure. A respondent from a human rights NGO in Istanbul mentioned that:

In the case of Syrians, deportation is in general through voluntary return. In some cases, it can be linked with terror-related crimes. However, the majority of them are done through voluntary returns. We know that because these people came to us for consultancy, someone was detained and then released. After that detention, those people come up with voluntary return requests. At this point, how can we call it voluntary returns? There is a need for discussion for this voluntariness. (interview cited in Aras and Mencutek 2019: 55)

For non-Syrian migrants, coercion is severe because it is often preceded by irregularization and criminalization. In their 2017 study, Jill Alpes and her colleagues report that “25 out of a
sample of 33 non-Syrians have been intimidated into signing voluntary return forms in Turkish detention centres” (2017: 3). Indeed, in 2019, the Istanbul Bar Association brought 180 complaints against police officers for improper voluntary return forms (Simpson 2019). Similarly, interviewed lawyers and NGO practitioners frequently mentioned that migrants are forced to sign return documents under pressure. One respondent from an NGO in Istanbul shared this observation:

Some of our applicants mentioned deportations from Turkey. Although their families had been here, they had been settled here, and they were forced to sign a document declaring that “I want to return voluntarily”. Everything seems to follow the legal procedures as the person signs a voluntary return document. The signature was taken under pressure in the removal centre. (cited in Aras and Mencutek 2019: 75).

A few deported Syrians recalled their experiences of criminalization in interviews in November 2020. A young Syrian, Omar, said that a police officer apprehended him due to a quarrel with his employer; then he added, “in general, they treated me well, but they forced me to sign a voluntary return document in Gaziantep and took away my temporary protection identity card.” Another Syrian, Fayez, said that “there was a deportation order on me due to the accusation of a terror link. I do not have any other option, [1] only signed what they handed over.”

In spite of such processes, UNHCR has minimal authority and power to monitor voluntariness. The challenge is that “the deportation decisions are taken generally during nights, and the following morning the deportation operates without giving a chance for monitoring for these organization’s protection officers” (cited in Aras and Mencutek 2019: 56). Furthermore, two lawyers told me that “UNHCR officers rarely visit PDMM offices. When they were able to do it, they would only check the dossiers. They rarely provide counseling and necessary information about the consequences of the return decision.” UNHCR and the IOM are not involved in returns to Syria, as they have a firm stance that it is not yet safe for returns, as mentioned in interviews in 2021. The IOM used to have access to migrants kept in the removal centers if the DGMM asked for help for assisted voluntary return schemes. Procedurally speaking, if there is such a referral, the IOM first provides return counseling, then facilitates returns by arranging reintegration support logistics, as mentioned by interviewees. However, only two out of 15 interviewed Syrian returnees reported that they were provided with return information by the PDMM officers about why they were returning, and were asked to confirm they were doing so voluntarily.

Voluntary return forms provide state officers with necessary safeguards during appeals to national and international judiciary bodies. One lawyer informant said in November 2020 that: “when the Court sees the signed ‘voluntary return form,’ it does not ask for any other evidence to object to the decision. Even if any Administrative court annuls the decision, the person has been already deported.” Another practitioner from Istanbul confirmed that “if there is [a] voluntary return form, it is quite difficult to prove that the return was against the will of a person. Testimonies are not enough, while pieces of evidence are not accessible.”

**Conclusion**

This article has described how Turkey is developing return policies and implementing them by using multiple instruments, sites, and practices. The “voluntary” return forms appear to be the main instrument, and preremoval detention centers the primary sites, for the imposition of “voluntariness.” Meanwhile, both central and local administration and EU partners carry out
programs to form a national assisted voluntary return program, indicating the presence of and interactions among state, substate, and international levels.

Turkey’s distinction is that national migration bureaucracy and law enforcement agencies take a central role in operationalizing the imposition of “voluntariness.” State officers who work for governorates, police stations, and removal centers ascribed meanings and understandings of voluntariness to the signatures captured on the voluntary return forms, although it might have been the case that these signatures were taken under coercion. Nonstate actors like lawyers and right-based associations contest the imposition of voluntariness. Lawyers act against policy implementation; although their impact often remains minimal, it is still very meaningful, for instance stopping the deportation of one person or reactivating the registration of someone who has been issued a deportation order. Unlike in European countries like the UK, Germany, Austria, or the Netherlands, independent civil society organizations have not played any counseling or execution role in assisted voluntary returns due to the general suspicion of the Turkish government toward civil society, and sensitivity around return and migration issues. It is worth noting that, as Reinhard Schweitzer discusses in this special issue, even some of these countries, like Austria and Britain, have recently shifted the responsibility for return counseling from non-governmental organizations to state agencies.

Regarding the pre-removal stage or detention, similarities between Turkey and European countries are present, particularly considering the formal and informal functions of administrative immigration detention. Like most EU countries and the United States, Turkey defines immigration detention “as an administrative, non-punitive measure to facilitate expulsion” (Leerkes and Broeders 2010:830). Similar to the case of the Netherlands, detention serves informal functions such as “deterring illegal residence and managing popular anxiety by symbolically asserting state control” (ibid.). However, unlike the Dutch example, it rarely aims to control “pauperism” (ibid.). Reports on Cyprus and Lebanon display that their return techniques targeting Syrians are similar to those of Turkey (Euromedright Report 2021). In turn, several old and new mechanisms are implemented at multiple sites, while also diffusing various formal, informal, or in-between practices. All of these raise questions about the “quality” of voluntariness that might be measured by absence of coercion; availability of acceptable alternatives; and access to adequate and trusted information, as suggested by Schweitzer in this special issue.

Despite contextual differences, there are many similarities signaling the diffusion of policies and techniques regarding states’ commitment to controlling migration, prioritizing returns, and emulating assisted voluntary return schemes. Further research needs to investigate possible mechanisms of policy diffusions in the Global South in the field of refugee repatriation by focusing on current and historical examples in the Middle East, South Asia, Latin America, and Africa. Comparison will help us to better understand ongoing efforts to institutionalize, and resist, voluntary return mechanisms at international, regional, state, and substate levels.

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NOTES

1. See https://respondmigration.com/ (accessed 1 February 2022). The Turkey research team included Professor Ayhan Kaya from Istanbul Bilgi University, Dr. Susan Rottman from Ozyegin University, Dr. N. Ela Gokalp Aras from the Swedish Research Institute in Istanbul, and Dr. Zeynep Sahin Mencutek.

2. Also known as Nawar, in Turkey members of the Dom community generally work in seasonal agricultural production, collecting recyclable waste and begging. They are subjected to the worst forms of discrimination and rights violations every day, and there are cases of individuals being deported or placed in camps under the pretext of having been caught “begging” (see “Dom Migrants from Syria” 2017).

REFERENCES


