Communication with Migrants on Application of Alternative Measures to Immigration Detention in Türkiye (COMMIT)

Executive Summary

Within the national legal framework, alternative measures to administrative detention (ATDs) and deportation of foreigners are governed by the Presidency of Migration Management in Türkiye as per the Law No.6458 on Foreigners and International Protection (LFIP) and the Implementing Regulation on Alternatives to Detention which entered into force on 14 September 2022.

Migrants are entitled to be informed of the content and details of the alternative measures to detention that they are subjected to, as well as their rights and obligations in a language that they comprehend. With consideration that reliable provision of information will enhance trust in the system and migrants will be more likely to comply if they understand the process in which they are subject to, effective communication with migrants is crucial for the successful and effective implementation of ATD measures, which will also pave the way for more efficient and sustainable returns.

Current Context

As per the national legislation, while the Provincial Directorates of Migration Management (PDMMs) and Presidency of Migration Management (PMM) are responsible for ensuring assessment and application of ATDs, the foreigners under administrative detention also have the right to submit a request to be considered to be subject to alternative measures. Article 57/A of LFIP stipulates the following measures as ATD:

a) residence at a given address,

b) reporting to the authorities (in person or voice reporting),

c) family-based return,

d) return counselling,

e) volunteering in public benefit services,

f) deposit, and

g) electronic monitoring (phone application and electronic tagging).

The determination of the type of ATD measure as well as the implementation are facilitated by the PDMMs, with the exception of electronic tagging for which the decision should be taken by the PMM only. In any case; according to the Article 57/A of the LFIP, the maximum length of time that the measure would be imposed shall not exceed twenty-four months.

According to the LFIP, foreigners who fall under the below listed categories may be subject to application of the ATDs:

a) who is directly subject to alternative measures to detention under the sub-paragraph 2 of Article 57;

b) whose detention is ended by a Provincial Directorates of Migration Management as a result of a review conducted under the sub-paragraph 4 of Article 57 of the LFIP after being detained;

c) whose detention is ended by the ruling of a criminal court of peace judge and those whose maximum detention period (12 months) expires.

There is a need to provide clear and reliable information to foreigners who might be subjected to ATDs to raise awareness on the application of alternative measures. In this regard, with a view to ensure full compliance with the procedures and rules, it is of utmost importance to develop efficient informative tools to be conveyed to the migrants through various effective communication channels.

Objectives

The overall objective of the project is to support the PMM to ensure effective and sustainable implementation of ATDs through assisting the PMM in reaching out migrants and provide all necessary information on ATD measures in place in Türkiye. The project aims to reach the overall objective and outcome through the following project components:

**Component 1:** Promotion and facilitation of application of ATDs

**Component 2:** Knowledge building and strategic outreach

**Component 3**: Enhancing of cooperation with partner countries

Beneficiaries

Republic of Türkiye, Ministry of Interior Presidency of Migration Management and migrants in Türkiye to whom ATD could be applied.

Project Budget

100,000EUR