Enforcing Capacities for Application of Alternative Measures to Detention in Türkiye (ENACT)

Executive Summary

Türkiye has been seriously affected by the mobility of irregular migrants aiming to live in the country and/or cross through Türkiye to the EU. When a foreigner is apprehended while entering into, working in, staying in or exiting from Türkiye irregularly, a removal decision is issued for the irregular migrant by the Presidency of Migration Management (PMM). A removal decision can only be issued for a foreigner if s/he is among the migrant profiles listed in the Law on Foreigners and International Protection (LFIP), and once a removal decision is issued for the migrant, s/he is either subjected to administrative detention and referred to a Removal Centre or subjected to an alternative measure to detention (ATD) as per Article 57/A of the LFIP.

In this regard, ATDs, which are meant to monitor irregular migrants and their possible secondary movements and oversee their stay in the country until their return procedures are completed, are essential for an effective return system. Human rights of women, men, girls and boys need to be respected at all stages of migration, their specific needs should be properly understood and addressed. By virtue of necessitating the engagement and cooperation of migrants and being less coercive than immigration detention, ATDs are considered to be a better suited pre-return process from the perspective of human rights.

Against this background; the project will provide technical support to the PMM and Provincial Directorates of Migration Management (PDMMs) in order to fulfill their duties and facilitate ATD procedures in accordance with the national legal framework and international standards, while ensuring that the measures are applied in harmony across Türkiye.

Current Context

ATDs were introduced by Türkiye with an amendment to the LFIP dated December 2019 and the Implementing Regulation on ATDs entered into force on 14 September 2022. As the designated authority in charge of the detention, ATDs and the return of foreigners, PMM identified ATDs as a priority measure to strengthen the efficiency and sustainability of returns and ensuring the human rights of the migrants, without requiring stricter measures. In this direction, ICMPD Türkiye has been cooperating with PMM since the adoption of the regulation in 2022 to strengthen its technical and institutional capacity.

PMM statistics dated 17 August 2023 shows that the number of irregular migrant apprehensions in Türkiye has already reached 120.995 and the initial observations indicate that, despite all the devastating impacts of the earthquakes in February 2023 , Türkiye would remain relatively attractive for irregular migrants during the post-earthquake period as well.

This being the case, strengthening operational capacity of the PMM and PDMMs in regard to implementation of ATDs and raising awareness of related actors and migrants on ATDs turn out to be a need which this project aims to respond.

Objectives

The overall objective of the project is to enhance the PMM’s efforts in effective, harmonized and human rights-based implementation of the ATDs foreseen in the legislation by strengthened operational and technical capacity and enhanced cooperation and coordination among institutions as well as by raising the awareness of the migrants and relevant stakeholders on the ATD system in Türkiye. This outcome will be achieved through the following outputs:

1. Operational and technical capacity of PMM and PDMMs in the implementation of ATD measures are strengthened, and the human rights of affected migrants are ensured.
2. Cooperation and coordination among relevant institutions in implementation of ATDs are enhanced, and migrants and relevant actors are well informed of their rights and responsibilities in terms of ATDs.

Beneficiaries

Republic of Türkiye, Ministry of Interior Presidency of Migration Management

Project Duration

01 September 2023 – 28 February 2025

**Contact**

www.icmpd.org