

## GECEKONU, REFUGE FOR IRANIAN REFUGEES!

Observations from the situation of Iranian Refugees in Turkey

OCTOBER 1994

### Dear Friends:

I am writing to share with you some of my experiences during my trip to Turkey this past summer. I had been working with Iranian refugees and coordinating Iranian Refugees' Alliance (IRA) for close to two years. This trip became necessary for me to touch base with the community and their problems. I had the opportunity of visiting more than 70 Iranian refugee families. I also met with United Nations High Commissioner for Refugees (UNHCR) legal officers, who play an important role in protection of refugees. After my three weeks, I returned with a more realistic perception of the extremely insecure and vulnerable life of refugees. I witnessed their daily struggle to survive and at the same time to overcome many obstacles and threats in order to obtain refugee status and resettle in a third country.

Most refugee families residing in Ankara live in Gecekonu. In Turkey, "Gecekonu" means "built overnight" and refers to inner-city brick- and mud-houses which are built illegally. They are the slums. In one place, refugees were living in the only few houses left which were going to be demolished soon. Eventually, all Gecekonus will be demolished. Many of these houses did not have potable water or electricity for all or parts of the year. I was greeted under the light of candles and oil lamps and drank tea made on fires made from coal. But the rents are low in this area, and the neighborhood people are hospitable to refugees.

Living conditions in other towns, where most refugees reside, were no better than Gecekonu. In Corum, where hundreds of refugees live, there has been no tap water for the entire town since the beginning of summer. In all of these towns, refugees lived in overcrowded dwellings. Often families occupy one room of a 3 or 4 room apartment so that they can make their paltry UNHCR stipends, subminimum salaries or outside assistance stretch to meet other basic necessities of life.

Although Iranian refugees are not permitted to work in Turkey, those who are able to speak Turkish, find sympathetic employers or otherwise disguise that they are refugees take jobs. I met a teenager who was paid 70 cents a day for his 10 hours of work in a restaurant. From this the restaurant owner deducted compensation for lost or broken tea glasses and other utensils. The highest paid refugee I met worked in a small factory with sweatshop conditions for \$1.50 a day. He worked from 7am to 7pm, 7 days a week. He paid \$35 each month for a room in which he lived with his wife and child.

Of particular distress for me were conditions for the children. I met toddlers who had been delivered at home without the help of even a mid-wife. For parents whose refugee cases are currently closed or pending with the UNHCR, no eligible pre-natal care or hospitalization is available. Narmineh, the 9 year-old daughter of a refugee, rejected by the UNHCR because she came to Turkey by way of Iraq instead of Iran, suffered from chronic asthma. Her father had a prescription for her which he could not dispense because he already owed the clinic 3 million Lires for their services when his daughter had had an emergency attack earlier in summer. Like most other refugee children, she could not go to school. Narmineh has 4 other siblings. Children are usually kept inside houses to minimize disclosure

that they are aliens and the ensuing threats and violence brought on by the police. Children young and old were involved in and affected by the ordeals of their parents with the UNHCR and the Turkish police. Nima, who was 4 years old and knew by name the UNHCR officers, wanted his parents to take him to a park where there are no police.

Most refugees do not have valid documents. They have to register with the police and live in towns assigned by the police. "Daily signature duty" -- signing in at the local police stations -- is mandatory for them. Those whose request for an extension of their stay was rejected or pending with the Turkish authorities or whose cases have been rejected by the UNHCR find themselves in tenuous positions. At some point they will be forced to flee and hide in other places. One political refugee, who currently lives in hiding and is awaiting a reconsideration of his application by the UNHCR, described how he escaped deportation during one of these daily signing-ins: One day, when, as usual, he told the police officer that he is awaiting resettlement in Australia, the officer accused him of lying. He said UNHCR had reported that he was not recognized as a refugee and therefore he will be deported to Iran instead of going to Australia. He was held in a room to wait for the deportation procedure, but fortunately he was able to escape. Another refugee told me how his neighbor helped them to hide inside the house at nights by chaining their outside door and making the house appear vacant. MIT, the Turkish security police, has usually raided refugee's residences at nights. Since the beginning of the summer, Turkish authorities have made it mandatory for landlords who rent houses to aliens to have their renters report to the head of their local municipality. Under this new regulation, finding a safe place to live has become extremely difficult and risky.

One of the main purposes of my trip was to investigate the UNHCR refugee determination procedure. Only those refugees who pass the hurdle of this procedure receive protection against deportation, are given material assistance and eventually resettled in a third country. Several hundreds of cases are rejected. While UNHCR officers claim that a 58% rate of approval of Iranian applicants in 1993 indicates a satisfactory determination procedure, refugees experience the procedure as arbitrary and capricious. A most distressing manifestation of this allegation has been the self-destructive acts of rejected applicants who were not afforded a fair examination of their applications. Jafar Jolan, a political refugee, set himself on fire in front of the UNHCR office in protest of his son's deportation this past spring; Bijan, another distressed refugee, sewed his lips in protest of the office's refusal to consider his request for reconsideration. These are but a few examples of frustrated, distressed, and disempowered refugees who can neither go back to Iran nor be resettled in a third country.

From a legal perspective, the refugee determination procedure of the UNHCR office in Turkey lacks basic safeguards for fairness



and therefore is prone to errors. UNHCR has never disclosed the criteria deployed or the burden of proof required to be discharged by applicants for refugee status.

Answers are given with form letters, only indicating that after a careful evaluation of the file, the applicant was or was not considered a person of concern to the office. When I pointed out to the UNHCR officers that a modicum of fairness requires that applicants be informed of the basis for a denial in writing so that they have the opportunity to overcome and rebut these reasons, they replied that reasons of rejection are given to applicants orally. However, they added that these reasons are given only at the beginning of the appeal interview -- which is not granted to all appellants -- because they want to break the information to the refugees "spontaneously" and therefore leave them no opportunity to think. I asked them if they have heard any thing about the trial of O.J. Simpson, the athlete celebrity who is accused of killing his wife and her friend. Even O.J. and his army of lawyers have been given plenty of opportunity to think. And not just that, prior to the trial, they have full access to all evidence collected by the prosecutor. In any event, most refugees reported that they have never received any oral explanation of the reasons for their rejection either.

Applicants have limited rights of appeal based on the introduction of new evidence. Review of appeal requests are again closed door examinations of the applicant's file. While appeal requests are reviewed, a process that takes months, refugee applicants are not afforded protection against deportation.

Notes taken during the interview by the interviewer, which constitutes a major part of each applicant's file, are not recited to the applicant for acknowledgment of accuracy. Files are not accessible to applicants or their advocates. If they include translation errors or errors caused by cross-cultural difficulties in communication or if information and evidence provided by the applicant is missing in the file, they will remain unresolved because of this confidentiality rule. If a refugee has a counsel, he or she is not permitted to accompany the applicant into an interview. There are serious limits on any form of advocacy on behalf of refugees due to the confidentiality of all records.

Other problems abound during interviews. Interviews play an important role in the determination procedure. Widespread hostility and distrust on the part of the UNHCR interviewers were reported by almost every refugee I interviewed. Applicants are not allowed to take notes or even to carry a pencil to the interview room. Several refugees said that even before the interview started, they were accused of presenting fictitious stories or told that their chance of admission is minimal. Under this kind of intimidation, some refugees have failed to explain their claims fully, let alone carefully and articulately. One refugee who was interviewed once during his 11 months stay in Turkey said that his interview lasted 20 minutes, of which 10 minutes was substantive dialogue, since he had to go through an interpreter. There were many complaints about the incompetency of interpreters. The frequency of these complaints indicates that there is no overseeing of the process to ensure that the questioning of the applicant during the interviews has been thorough and fair.

While the UNHCR refugee determination procedure lacks basic safeguards of fairness and is filled with potential for error, the Turkish government has started a new screening program of its

own. In this new program, Iranians have to initially prove to the interior ministry of the Turkish government that they are "genuine refugees" before they can obtain temporary stay permits and request assistance and protection from the UNHCR. Applications are filed by interviews taken by the police. Since mid July, tens of refugees have been interviewed by the police under this new screening program. The UNHCR has failed to obtain a role in the screening and is only waiting to see what will happen to those who are screened out. Refugees who registered with the police and were interviewed before the start of the new screening program, including those who are currently recognized by the UNHCR, are also at risk. In recent months, deportation orders have been issued for several refugees based on "insufficiency of their application for asylum from Turkish authorities". UNHCR has intervened on behalf of the refugees it has recognized. However, there is no assurance that even this intervention protects recognized refugees from deportation.

Although Iranian refugees in Turkey are in a vulnerable situation, they are not helpless or hopeless. Refugees have unbelievable persistence and will to reach their goal of safety. I learned a lot from them and I was inspired by many of them. I also had the opportunity to observe and participate in the activities of The Council of Iranian Refugee in Turkey. During the past 5 years, the Council has networked hundreds of refugees under a repressive atmosphere in Turkey, even where welfare organizations are banned. I am deeply grateful to the Council's executive committee for assisting me during my trip.

I returned to the States with a much broader perspective on the importance of aid provided by outside communities and the various forms that it can take.

Reliable and regular financial support for families who receive no assistance from the UNHCR is essential. In 1994, with the support of more than hundred individual and group pledgers, the funds transferred by IRA to support refugees will exceed \$20,000. There are still many families that need assistance. If you have not joined the financial support fund for refugee families please do so immediately. Encourage others to do so too and let us know of your ideas for fundraising projects.

UNHCR's relationship with refugees should be monitored and criticized in the open to ensure the fairness of the determination process. On our immediate agenda is publishing a substantive report about the general flaws and inadequacies of the current UNHCR procedure for refugee determination. IRA has also started a legal advocacy project for refugees since August 1994. Due to our very limited resources only a few individual case-works have been done so far. We are working on a handbook for refugees on presenting refugee claims.

UNHCR office in Turkey has already sensed that a concerned community in the U.S. objects to its policies. To make these objections more effective and intensive we need more funds and more volunteers. You can volunteer your skills and time in IRA's legal advocacy, research and publication projects. You can help us liaise with other refugee rights organizations, lawyers and supportive foundations. Finally, a gift of any amount would always make us that much more effective.

At the end, I want to thank all of you who have joined the Alliance and supported its efforts.

Sincerely yours,

**Deljou Abadi**

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