

# **COUNTRY OPERATIONS PLAN**

**Country: Poland**

**Planning Year: 2003**

**Prepared by: Branch Office Warsaw**

**Last Revision Date:**

## **Part I: Executive Committee Summary**

### **(a) Context and Beneficiary Population(s)**

As part of the overall goal of the Bureau Europe to preserve asylum in Europe, and to be an active partner in shaping the new asylum systems and policies being defined by EU Member States as part of the EU accession process, the main rationale for UNHCR's presence in Poland is to ensure that the Polish asylum system develops its full potential capacity to provide protection, assistance and durable solutions in line with the requirements of the *acquis* as well as international standards.

The unprecedented surge in the number of asylum seekers to over 4506 was recorded in 2001. Largest among this group were Russians from Chechnya, who numbered over 1483. Due to the said influx, and the tendency of the majority of Chechen asylum seekers to remain in Poland throughout the duration of their RSD procedure, the Ministry of Interior has experienced a severe economic strain during 2001. Poland granted refugee status to 291 refugees, among them 206 Chechen nationals. Given the fact Poland will introduce by June 2003 visas to the nationals of the CIS countries, the number of illegal entries to Poland from Russia, Belarus and Ukraine will significantly rise. In the context of the EU regulations (Dublin Convention system/ Schengen system), Poland is likely to register high numbers of potential asylum seekers from that region. The strengthening of the UNHCR monitoring role in Poland should respond to this protection challenge.

A key development in 2001 was adoption of amendments to the Aliens Law. As part of the PHARE Horizontal Programme (PHP), UNHCR had been given unprecedented access to the drafting process, and was able to provide substantial input into the amendments. Based on the wording of the approved amendments UNHCR may conclude it is compatible with the *acquis*, and positively addressed many of the protection concerns related to the national law. The Aliens Law also provides much improved access to UNHCR to the case files of asylum seekers; a prerogative which UNHCR has been lobbying for years to incorporate into Polish legislation. UNHCR has not been given the right of being present during the determination procedure. Absence of UNHCR in the determination process has proved to be very negative because protection criteria sustained have not been taken into account in numerous cases. Presence of UNHCR at ad hoc basis with advisory voice in the Refugee Board will be a subject of lobbying efforts as the new amendments to the Aliens law should be on agenda throughout 2002/2003.

Furthermore, the Office will continue to ensure access of asylum seekers into the RSD procedure at the border and isolatory institutions (UNHCR has had difficulty monitoring border control points due to the size of the country. Poland has borders with 7 different countries and also a significant coastline). This situation is to be contributed to limited UNHCR Warsaw resources, and reticence of the authorities to organize visits by monitoring missions during busy periods.

Provision of free legal assistance to asylum seekers; treatment of asylum seekers in line with international standards; full incorporation of gender, minority and statelessness issues into the operations of BO Warsaw and strengthening cooperation with the EU as well as OSCE/ODIHR and the Ombudsman Office will continue to be on the BO Warsaw agenda in 2003.

The fact that the percentage of asylum seekers abandoning their RSD procedure has fallen from 80% in 1997, to 27% during both 1999 and 2000 is an indication that Poland is no longer a country of transit for many asylum seekers, and that the conditions are ripe for recognized refugees to locally integrate. Thus, as the most durable solution for recognized refugees in Poland, highest priority among assistance activities planned for the foreseeable future will be given to the integration of recognized refugees.

All protection and assistance activities will be geared towards the capacity building of the Polish government and NGOs so as to facilitate the ultimate withdrawal of UNHCR from basic assistance activities. Should the Polish government assume enough of the assistance costs incurred by NGOs, it is anticipated that in four years' time, UNHCR's activities will focus primarily on monitoring the protection situation of asylum seekers and refugees in order to ensure that they are treated in line with international standards. In addition, efforts will be made to expand NGO involvement and support for gender/refugee women and children activities. All implementing partners have been told to anticipate gradual annual cuts in their budget over the next four years, as has been the case since 1999. NGOs are being strongly urged and assisted to focus on accessing alternate sources of funding.

The treatment of unaccompanied minors did not improve during 2001. UNHCR has managed to address the issue to the point at which the government now acknowledges that a gap exists - and that significant changes must be made to address the administrative, institutional, and procedural inadequacies inherent in the status quo - but little action has been taken by the Government to improve the situation of such persons.

Improvement in the condition of integration of recognized refugees remains one of the corner-stones of UNHCR's activities in Poland. Following a multi-year delay in its implementation, the ordinance on integration was finally put into effect as of December 2000. While the terms of the ordinance are sufficient to meet only the very basic needs of refugees for a 12-month duration, UNHCR feels that it is a starting point for the Polish Government on which to build a more comprehensive and generous integration policy. UNHCR Warsaw will continue to focus its resources on building the capacity of the Government as well as NGOs to integrate newly recognized refugees into Polish society.

Considering:

- geographical location of Poland,
- size of the country,
- its position as first contact country for asylum seekers arriving to united Europe,
- the need to intensify UNHCR presence (border monitoring, participation in the Eligibility Commission).

- rapidly increasing number of refugees and lack of efficient integration programme

BO Warsaw would need substantial increase of funds available.

**(b) Selected Programme Goals and Objectives**

**(1) Theme 1: Strengthening Asylum**

<b>Goals (I):</b> Persons in need of international protection will have access to the territories of European States.	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Measures to combat illegal migration and smuggling include safeguards against direct or indirect refoulement.</li> </ul>	<ul style="list-style-type: none"> <li>• Regular monitoring of border points.</li> <li>• Sharing the best border practices with border authorities of relevant countries.</li> </ul>
<ul style="list-style-type: none"> <li>• Comprehensive migration policies are developed and implemented.</li> </ul>	<ul style="list-style-type: none"> <li>• Revitalization of the Parliamentary Group for Refugees.</li> <li>• Active participation in the public debate on Polish migration policy in the context of possible accession to the EU.</li> </ul>

<b>Goals (II):</b> Asylum seekers have access to fair, efficient and effective asylum procedures and are treated in accordance with international standards.	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Asylum-seekers claims are handled in line with international standards.</li> </ul>	<ul style="list-style-type: none"> <li>• RSD interviews of asylum seekers regularly monitored with eventual presence of UNHCR in the eligibility commission.</li> <li>• Asylum seekers are provided with an adequate NGO support.</li> </ul>
<ul style="list-style-type: none"> <li>• Asylum-relevant institutions develop in the run-up to EU accession.</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate amendments in the national legislation incorporate changes in the EU acquis on asylum.</li> <li>• Adequate safeguards are adopted and implemented to protect UAM/separated children.</li> <li>• Monitoring of the observance of UNHCR guidelines on women refugees.</li> </ul>

<b>Goals (III):</b> Refugee rights are respected and effective durable solutions are found for them.	
<b>Objectives</b>	<b>Outputs</b>
<ul style="list-style-type: none"> <li>• Refugees have real possibilities to</li> </ul>	<ul style="list-style-type: none"> <li>• Quality of the Government's</li> </ul>

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<p>integrate.</p>	<p>integration programme monitored.</p> <ul style="list-style-type: none"> <li>• Developing supplementary social, legal, medical assistance for recognized refugees through NGOs.</li> <li>• Researching the best practices on the Social Clinics in Poland.</li> <li>• Introduce social refugee law in curricula of education system of the social counsellor/workers. TOT for social workers.</li> </ul>
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<p><b>Goals (IV):</b> Public opinion be receptive and supportive of the protection and solution needs of refugees.</p>	
<p><b>Objectives</b></p>	<p><b>Outputs</b></p>
<ul style="list-style-type: none"> <li>• Xenophobic trends diminish in favor of increased tolerance, and the public at large understands the relevance of refugee protection, and the difference between economic migrants and refugees.</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation of public interest campaigns aimed at combating xenophobia.</li> <li>• Training for teachers in human rights and refugee issues, so that refugee issues will be widely disseminated in classrooms across Poland.</li> <li>• Promoting refugee issues at formal &amp; informal system of education.</li> <li>• Improving public access to information about refugees.</li> </ul>

### **(2) Theme 2: # Partnership with Europe**

<p><b>Goals (I):</b> Refugee issues are more visible in the pre-accession debate in Poland.</p>	
<p><b>Objectives</b></p>	<p><b>Outputs</b></p>
<ul style="list-style-type: none"> <li>• Current issues regarding asylum matters are shared between BO Brussels and BO Warsaw.</li> <li>• Polish authorities are informed by BO Warsaw about current trends in the joint EU policy on asylum.</li> </ul>	<ul style="list-style-type: none"> <li>• Mutual flow of information is ensured.</li> <li>• Information received from Brussels on asylum acquis is disseminated in Poland.</li> <li>• BO Warsaw monitors impact of EU developments regarding asylum on Polish national system.</li> <li>• BO Warsaw works with Polish authorities to ensure that UNHCR positions are reflected in Polish legal instruments.</li> </ul>

<p><b>Goals (II):</b> Universities, Catholic Church and NGOs play more active role in refugee matters.</p>	
<p><b>Objectives</b></p>	<p><b>Outputs</b></p>
<ul style="list-style-type: none"> <li>• More involvement of universities, Church institutions and NGOs in</li> </ul>	<ul style="list-style-type: none"> <li>• Establishing of working contacts with universities, the Polish Conference of</li> </ul>

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refugee issues.	<p>Bishops, and NGOs.</p> <ul style="list-style-type: none"> <li>• Creating collaboration with universities, local churches and NGOs.</li> </ul>
<ul style="list-style-type: none"> <li>• Strengthening collaboration with universities, Catholic Church and NGOs.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased Church support to Caritas Poland with regard to refugee matters.</li> <li>• Universities are more involved in refugee matters.</li> <li>• Establishing of partnership with the Jesuit Refugee Service.</li> </ul>
<ul style="list-style-type: none"> <li>• Creating links with formal and informal educational system.</li> </ul>	<ul style="list-style-type: none"> <li>• Introducing of refugee matters to formal and informal educational institutions.</li> </ul>

**Goals (III):** UNHCR implementing partners engage in bi- and multilateral networking of refugee aid initiatives and organizations.

Objectives	Outputs
<ul style="list-style-type: none"> <li>• Gradual incorporation of Polish NGOs dealing with refugees into European network.</li> </ul>	<ul style="list-style-type: none"> <li>• Active representation of Polish NGOs at international fora.</li> <li>• Efficient usage of funds available on refugee matters.</li> <li>• BO Warsaw encourages lobbying in favor of refugees within the European framework.</li> </ul>
<ul style="list-style-type: none"> <li>• Preparation of Polish NGOs implementing partners to EU accession.</li> </ul>	<ul style="list-style-type: none"> <li>• Polish NGOs are acquainted with EU structure</li> <li>• Stakeholders learn the know-how on EU acquis on asylum.</li> </ul>

### **(3) Theme 3: # Preparedness and solutions**

**Goals (I):** Introduction of visa policy required by EU does not affect access to asylum procedure at Polish borders

Objectives	Outputs
<ul style="list-style-type: none"> <li>• Refugees from affected countries and third country nationals enjoy protection in Poland once they applied for refugee status at the border.</li> </ul>	<ul style="list-style-type: none"> <li>• Protection standards not lowered by visa regime.</li> <li>• Monitoring of the situation at the borders is ensured.</li> <li>• EU training for Polish Border Guards incorporates refugee protection components.</li> </ul>

**Goals (II):** Statelessness protection gap in Poland is highlighted.

Objectives	Outputs
<ul style="list-style-type: none"> <li>• Lobbying for the accession to the universal documents on statelessness.</li> </ul>	<ul style="list-style-type: none"> <li>• New Citizenship Act includes rights and status for stateless persons which are fully inclusive and compatible with those stipulated in 1954 Convention.</li> <li>• Best European practices regarding statelessness are shared with decisionmakers.</li> </ul>