

POLAND

2002 COUNTRY

OPERATIONS PLAN

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 beneficiary population in Poland is an estimated 400 recognized Convention refugees who reside in Poland, and an estimated 4500 asylum seekers who are annually processed for refugee status by the Polish authorities. Between 1993 and 2000, a total of 19,921 persons applied for asylum. During 2000, 4589 persons applied for refugee status in Poland and 78 were recognized. During 2000, the major countries of origin for asylum seekers were Russia, Romania, Armenia, Bulgaria, Afghanistan and Mongolia. The majority of those recognized as refugees in 2000 came from Russia, Somalia, Georgia, Turkey, Ethiopia and Yugoslavia. The recognition rate in Poland remained relatively low, due to the high proportion of "abusive" applications from Armenians, Bulgarians, Mongolians and Romanians.

The Office played a crucial role in the process of drafting a new and comprehensive amendment to the Aliens Law which began in mid-1999 (and is anticipated to continue until the end of 2001) as part of the PHARE Horizontal Programme. Subsequently, UNHCR will ensure during 2002 and beyond, that the said amendments are implemented in a manner, which is in line with the spirit of the Geneva Convention. Of particular concern to the Office is the introduction of accelerated procedures envisioned under the amendments.

Furthermore, the Office will continue to ensure access of asylum seekers into the RSD procedure; 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.

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.

During 2000, there were positive developments in the field of international protection of refugees in Poland. A key development was progress in negotiations with the government regarding amendments to the Aliens Law. As part of the PHARE Horizontal Programme (PHP), UNHCR was given unprecedented access to the drafting process, and was able to provide substantial input into the amendments. Based on the latest version of the draft amendments shared with UNHCR – if passed in its current form – the Aliens Law will be fully compatible with the *acquis*, and will positively address many of the protection concerns related to the current version of the law. The draft 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.

Another major development during 2000 was the unprecedented surge in the number of asylum seekers to over 4500. Largest among this group were Russians from Chechnya, who numbered over 1000. 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 experienced a severe economic strain during 2000.

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.

(b) Selected Programme Goals and Objectives

(1) Theme 1: Quality asylum in a uniting Europe

Goals (I): Persons in need of international protection will have access to the territories of European States.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Measures to combat illegal migration include adequate protection safeguards 	<ul style="list-style-type: none"> • Regular monitoring of border points. • Develop TOT training programmes with the Border Guard Academy.

<ul style="list-style-type: none"> Alternative entry/migration/channels/procedures be made available to non-refugee migrants. 	<ul style="list-style-type: none"> Detention centers monitored on a regular basis. Close cooperation with IOM. Persons given humanitarian status are also provided with some form of social assistance.
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Goals (II): States will develop, and gradually harmonize, asylum systems in conformity with international standards.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Asylum-seekers have their claims heard fairly and promptly. 	<ul style="list-style-type: none"> RSD interviews of asylum seekers regularly monitored. Asylum seekers are provided with ready access to high quality free legal assistance.
<ul style="list-style-type: none"> The gradual harmonization of legal and procedural standards preserve current better practices and correct the deficiencies of the EU Acquis. 	<ul style="list-style-type: none"> Amendments to Aliens Law are implemented in such a way that the protection needs of refugees are not violated. Bilateral cooperation of Polish asylum bodies with countries and institutions, which observe “good practices”.
<ul style="list-style-type: none"> Asylum-relevant institutions develop in the run-up to EU accession. 	<ul style="list-style-type: none"> Refugee Department and Refugee Board given access to timely and high-quality COI. Ordinance on unaccompanied minors (to be drafted as part of the new Aliens Law) includes sufficient safeguards, and that such safeguards are implemented.
<ul style="list-style-type: none"> All refugees have real opportunities to integrate. 	<ul style="list-style-type: none"> Introduction of a more generous and comprehensive ordinance on integration. Provision of supplementary social, legal and medical assistance (through NGOs) to recognized refugees. Operation of NGO-run Polish language, vocational and small business programmes. Government takes on a greater share of expenses related to integrating refugees into Polish society. European Commission’s PHARE National Programme includes an asylum component – with a specific budget line for integration purposes.

Goals (III): Public opinion will be receptive to the protection needs of refugees and supportive of their integration efforts.	
Objectives	Outputs
<ul style="list-style-type: none"> Xenophobic trends diminish in favor of 	<ul style="list-style-type: none"> Implementation of public interest

increased tolerance.	<p>campaigns aimed at combating xenophobia.</p> <ul style="list-style-type: none"> • Training for teachers in human rights and refugee issues, so that refugee issues will be widely disseminated in classrooms across Poland.
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(2) *Theme 2: # Statelessness*

Goals (I): Statelessness will decrease in the sub-region.	
Objectives	Outputs
<ul style="list-style-type: none"> • Poland passes a new Citizenship Act. 	<ul style="list-style-type: none"> • Ministry of Interior finalizes - and Parliament expedites - passage of the Act, and ensures that the provisions of the Act remain compatible with the statelessness conventions.
<ul style="list-style-type: none"> • Poland accedes to the universal instruments for the prevention and reduction of statelessness. 	<ul style="list-style-type: none"> • Poland promptly accedes to the conventions following passage of the new Citizenship Act.
<ul style="list-style-type: none"> • Stateless persons gradually acquire citizenship. 	<ul style="list-style-type: none"> • Monitoring of naturalization process by legal NGOs.

Goals (II): Stateless people will enjoy, at a minimum, a status consonant with 1954 Convention standards.	
Objectives	Outputs
<ul style="list-style-type: none"> • Stateless persons provided with rights in line with 1954 Convention. 	<ul style="list-style-type: none"> • New Citizenship Act includes rights and status for stateless persons, which are fully inclusive and compatible with those stipulated in the 1954 Convention.