

ECRE COUNTRY REPORT 2002: POLAND

ARRIVALS

1. Total number of individual asylum seekers who arrived, with monthly breakdown and percentage variation between years:

Table 1:

Month	2001	2002	Variation +/- (%)
January	342	-	-
February	333	-	-
March	303	-	-
April	301	-	-
May	316	-	-
June	544	-	-
July	223	-	-
August	332	-	-
September	438	-	-
October	384	-	-
November	457	-	-
December	504	-	-
TOTAL	4,477	5,153	+15.1

Source: Ministry of Internal Affairs, Department for Migration and Refugee Affairs.

2. Breakdown according to the country of origin/nationality, with percentage variation:

Table 2:

Country of origin	2001	2002	Variation +/- (%)
Russian Federation	1,483	3,048	+105.5
Afghanistan	410	595	+45.1
Armenia	634	223	-64.8
India	43	196	+355.8
Moldova	272	169	-37.9
Mongolia	239	156	-34.7
Iraq	108	137	+26.9
Ukraine	143	102	-28.7
Belarus	73	67	-8.2
Pakistan	31	55	+77.4
Vietnam	196	48	-75.5
Romania	266	44	-83.5
Georgia	94	39	-58.5
Bulgaria	178	36	-79.8
Sri Lanka	23	36	+56.5
China	28	35	+25.0
Azerbaijan	70	14	-80.0
Slovak Republic	-	14	-
Iran	3	13	+333.3
<i>Stateless</i>	<i>10</i>	<i>10</i>	-
Kazakhstan	15	8	-46.7
Uzbekistan	7	8	+14.3
Nigeria	26	7	-73.1

Turkey	9	6	-33.3
Cuba	-	6	-
Sierra Leone	4	5	+25.0
Sudan	11	4	-63.6
<i>Stateless Palestinians</i>	7	4	-42.9
Lithuania	6	4	-33.3
Morocco	5	4	-20.0
Latvia	2	4	+100.0
Republic of Congo	1	4	+300.0
Tajikistan	-	4	-
Algeria	8	3	-62.5
Somalia	5	3	-40.0
DR Congo	4	3	-25.0
Kyrgyzstan	4	3	-25.0
Egypt	4	3	-25.0
Ivory Coast	3	3	-
Jordan	2	3	+50.0
Ethiopia	2	3	+50.0
Liberia	-	3	-
Senegal	3	2	-33.3
Libya	2	2	-
Cameroon	2	2	-
Guinea-Bissau	-	2	-
Germany	-	2	-
Syria	10	1	-90.0
FYROM	7	1	-85.7
Angola	3	1	-66.7
Mali	-	1	-
Monaco	-	1	-
Guinea-Conakry	-	1	-
Nepal	-	1	-
Czech Republic	-	1	-
Equador	-	1	-
Bangladesh	12	-	-100.0
FRY	6	-	-100.0
Lebanon	4	-	-100.0
Yemen	3	-	-100.0
Eritrea	2	-	-100.0
Cape Verde	1	-	-100.0
Israel	1	-	-100.0
Bosnia-Herzegovina	1	-	-100.0
Peru	1	-	-100.0
Cambodia	1	-	-100.0
Tunisia	1	-	-100.0
<i>Others</i>	-	2	-
TOTAL	4,489	5,153	+15.1

Source: Ministry of Internal Affairs, Department for Migration and Refugee Affairs.

Comments: Applicants from the Russian Federation originate from Chechnya almost without exception. Their influx began after the conflict in Chechnya erupted with new strength in early 2000.

3. Persons arriving under family reunification procedure: 5 (2001: 7).

These figures are included under paragraphs 1 and 2 above.

Comments: In the absence of any official data, this figure relates to those individuals who made contact with the Polish Humanitarian Organisation (PHO), and were reunified under the government's family reunification programme.

4. Refugees arriving as part of a resettlement programme:

There was no resettlement programme in Poland in 2002.

5. Unaccompanied minors: 213 (2001: 80).

RECOGNITION RATES

6. The statuses accorded at first instance and appeal stages as an absolute number and as a percentage of total decisions:

Table 3:

Status	2001				2002			
	First instance		Appeal		First instance		Appeal	
	Number	%	Number	%	Number	%	Number	%
No status awarded	4,664	94.4	1,812	98.9	5,168	95.4	2,083	98.6
Convention status	276	5.6	20	1.1	250	4.6	30	1.4
TOTAL	4,940	100	1,832	100	5,418	100	2,113	100

Source: Ministry of Internal Affairs, Department for Migration and Refugee Affairs.

Comments: Where no status is awarded at first instance, this is due either to refusal to grant status, discontinuation of the procedure (usually as a result of an applicant's disappearance), or because the application is 'left unacknowledged' (usually because of failure to provide fingerprints and be photographed). Where no status is awarded at second instance, this is due to refusal to grant status, discontinuation of the procedure, or an overruling of the first instance decision.

7. Refugee recognitions (1951 Convention: as an absolute number) according to country of origin, at first instance and appeal stages:

Table 4:

Country of origin	2001		2002	
	First instance	Appeal	First instance	Appeal
Russian Federation	206	1	206	19
Belarus	26	3	9	3
Sri Lanka	1	1	6	-
Liberia	-	-	5	-
Republic of Congo	2	-	3	-
Somalia	8	2	3	-
Sierra Leone	1	-	2	1
Ethiopia	1	-	2	-
Rwanda	-	-	2	-
<i>Stateless Palestinians</i>	-	-	2	-
Sudan	3	2	2	-
DR Congo	1	1	1	2
Afghanistan	13	-	1	-
Angola	-	1	1	-
Cameroon	1	5	1	-

Cuba	-	-	1	-
Laos	-	-	1	-
<i>Stateless</i>	-	-	1	-
Turkey	2	-	1	-
Armenia	-	-	-	2
Algeria	-	-	-	1
Eritrea	-	-	-	1
Pakistan	1	-	-	1
Albania	1	-	-	-
Bosnia-Herzegovina	1	-	-	-
Georgia	2	-	-	-
Kazakhstan	1	-	-	-
Lebanon	-	1	-	-
Mongolia	-	2	-	-
Syria	1	1	-	-
FRY	4	-	-	-
TOTAL	276	20	250	30

Source: Ministry of Internal Affairs, Department for Migration and Refugee Affairs.

Comments: Information was not available as to the total number of applicants of each nationality who received decisions, thus it was not possible to calculate recognition rates.

RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS

8. Persons returned on safe third country grounds:

'Safe third country' exists as a concept in Polish law but has never been defined, and there is no published list of such countries.

9. Persons returned on safe country of origin grounds:

'Safe country of origin' exists as a concept in Polish law but has never been defined, and there is no published list of such countries.

10. **Number of applications determined inadmissible:** Figures unavailable.

11. **Number of asylum seekers denied entry to the territory:** Figures unavailable.

12. **Number of asylum seekers detained, the maximum length of and grounds for detention:** Figures unavailable.

13. **Deportations of rejected asylum seekers:** Figures unavailable.

14. **Details of assisted return programmes, and numbers of those returned:** Figures unavailable.

15. Dublin Convention practice comments:

Poland is not party to the Dublin Convention.

SPECIFIC REFUGEE GROUPS

16. Developments regarding refugee groups of particular concern:

Poland did not observe an increased influx of asylum seekers either from Iraq or Afghanistan, hence there were no specific developments for these two groups. Neither can one speak of any specific developments regarding asylum seekers and refugees from Chechnya, who currently constitute the largest group seeking protection in Poland.

Although there are no official data on deportations of rejected asylum seekers, the practice is to neither deport Chechens nor Afghans. There is no humanitarian status or permission to stay on humanitarian grounds so far in Polish law, but both of these groups stay illegally in the country, without any rights or access to assistance. They get minimal assistance (for instance goods in kind, food products, and access to basic medical assistance) from NGOs: PHO (Polish Humanitarian Organisation) in Warsaw and Caritas in Lublin and Białystok. NGOs offering legal assistance have been trying for months to help asylum seekers wishing to legalise their stay through obtaining a temporary residence permit, but since none were able to fulfil the conditions (for instance registration in secured accommodation and a stable income) they were refused. In mid-2003 the provincial authorities responsible for permits began issuing them to Chechens, but continue to reject Afghans. They are expected to pay an exorbitant fee of around US\$100 per permit, including for infants, and NGOs are not assisting in covering those payments. Even then the permits merely legalise residence, without entailing access to state assistance.

LEGAL AND PROCEDURAL DEVELOPMENTS

17. New legislation passed:

No new relevant legislation was passed in 2002.

18. Changes in refugee determination procedure, appeal or deportation procedures:

There were no significant changes in these procedures in 2002.

19. Important case-law relating to the qualification for refugee status and other forms of protection:

No information was available.

20. Developments in the use of the exclusion clauses of the Refugee Convention in the context of the national security debate:

There were no developments in the use of exclusion clauses in 2002.

21. Developments regarding readmission and cooperation agreements:

There were no significant developments regarding readmission and cooperation agreements in 2002.

THE SOCIAL DIMENSION

22. Changes in the reception system:

Asylum seekers who have no means of support are able to apply for assistance towards accommodation, basic medical care and pocket money in the refugee reception centre. The assistance is withdrawn, without recourse to appeal, *inter alia* either if an asylum seeker leaves the centre without

permission or notification for a period of more than three days, breaks the rules of the centre, leaves the centre and is arrested while illegally crossing the border, or is readmitted after an illegal border crossing (in accordance with the Ordinance of the Minister of Internal Affairs and Administration of 18 February 2002).

23. Changes in the social welfare policy relevant to refugees:

There were no significant changes in the social welfare policy relevant to refugees in 2002.

24. Changes in policy relating to refugee integration:

There were no significant changes in policy relating to refugee integration in 2002.

25. Changes in family reunion policy:

There were no significant changes in family reunion policy in 2002.

OTHER POLICY DEVELOPMENTS

26. Developments in resettlement policy:

There was no resettlement policy in Poland in 2002.

27. Developments in return policy:

There is no return policy *per se* in Poland, although asylum seekers have the option to withdraw an application and apply for voluntary repatriation while still going through the asylum procedure. The Office for Repatriation and Aliens covers the cost of the cheapest transport back to country of origin. In cases of rejected asylum seekers return is financed by the IOM.

28. Developments in border control measures:

At times during 2002 border guards have exhibited differing attitudes towards aliens arriving to apply for refugee status at the border, particularly in the case of Chechens arriving *en masse*. Chechens, all of whom hold Russian citizenship, do not have to possess visas while crossing the Polish border, yet in some cases they have been denied entry on the basis of attempting to enter without permission. Some were only released after press and NGO interventions.

29. Other developments in refugee policy:

There were no other significant developments in refugee policy.

POLITICAL CONTEXT

30. Government in power during 2002:

The government in power is the Alliance of the Democratic Left (SLD, the former Communist Party), which became a minority government following the failure of the coalition with the Polish Farmers' Association; and lost most of its support during 2002 because of the state budget collapse, being voted down in the parliament over several new laws, as well as ministerial corruption charges.

The issue of immigration was not widely discussed, although the government has prepared proposals for new laws on aliens and their protection as part of the preparations for Poland's accession to the

EU. These were discussed in Parliament prior to May 2003, and were passed on 22 May 2003. They will come into force on 1 September 2003, and be featured in the 2003 Country Report.

31. Governmental policy vis-à-vis EU developments:

See paragraph 30 above.

32. Asylum in the national political agenda:

There was little debate. See paragraph 30 above.

