

POLAND

1 Arrivals

1 Total number of applications for asylum lodged, with monthly breakdown and percentage variation between years

2004: 8079 (2003:6909) +17%.

Source: Statistics of the Office for Repatriation and Aliens (Ministry of Internal Affairs and Administration)

Comments

Since 1999 there has been a regular gradual increase in the number of applications for asylum being submitted in Poland.

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

Table 1:

Country of Origin	2004	2003	%
Russia (mostly Chechen nationals)	7183	5568	+27.7
Pakistan	210	154	+18
India	151	236	-39
Ukraine	62	85	-23
Afghanistan	52	251	-80
Belarus	47	58	-19
Turkey	29	22	+32
Somalia	17	22	-23
Kazakhstan	17	6	-183

Comments

There is no simple explanation for the increases and decreases, but it is possible that the fluctuation in applications from people from Afghanistan and India can be explained by the fact that Poland is not generally recognising any nationals of these countries as refugees or granting them temporary protection (introduced in Polish alien law (Act on Granting Protection to Aliens within the Territory of Poland) in 2003). It should be mentioned that in 2004, 23 Afghan citizens were granted subsidiary protection and one was recognised as a refugee.

The majority of applications (around 90%) are made by Chechens. Most are Chechens from Chechnya and Ingushetia. Some are from Dagestan and other parts of the Russian Federation. There are also persons of Ingush ethnicity, asylum seekers from Dagestan who are not of Chechen ethnicity, generally from the Caucasus.

5 Unaccompanied minors

2004:178(2003:216). Unaccompanied minors are accommodated at reception centres at the beginning of the procedure and then transferred to foster homes. A very high percentage of unaccompanied minors abandon the procedure and 'disappear' from these institutions, which causes serious legal and humanitarian problems.

2 Recognition Rates

6 The statuses accorded at first instance and appeal stages as an absolute number and percentage of overall decisions

Table 2:

	Convention status awarded		Tolerated stay	
	Number	%	Number	%
2004	305	4.5	832	12.4
2003	219	2.75	24	0.3

Comments

In 2003 the Refugee Board recognised 26 persons as refugees, and denied status to 851 persons on appeal. In 2004 the Refugee Board recognised ten persons as refugees, granted subsidiary protection to 14 persons and denied protection to 635 persons on appeal:

<http://www.uric.gov.pl/index.php?page=1020100001> (table 47).

Tolerated stay was only introduced in September 2003.

There is no state sponsored legal assistance to asylum seekers at any stage of the procedure, apart from judicial review. The result is that only approximately 15-20% of asylum seekers obtain any form of legal assistance.

3 Returns, Removals, Detention and Dismissed Claims

9 Persons returned on safe third country grounds

Poland rarely applies this concept.

10 Persons returned on safe country of origin grounds

No figures available.

12 Number of asylum seekers denied entry to the territory

No figures available.

Refusal to admit is rare. According to Polish alien law persons who wish to apply for asylum but who are not legally entitled to enter Polish territory should be detained. Detention centres are mainly crowded and for this reason border guards are not able to strictly follow a policy of detention. As a result, detention is random and asylum seekers who are detained often feel that they are being penalised for applying for asylum.

16 Number of asylum seekers sent back to the Member State responsible for examining the asylum application under the Dublin II Regulation

No figures available.

The Polish Helsinki Foundation for Human Rights has observed that more and more people are being returned to Poland under Dublin II. At the moment these individuals are allowed to access the asylum procedure. So far there has been no instance where a person has been denied access to the asylum system on the basis that they have left Polish territory and moved to another EU country. The number of asylum seekers taken over by other member states under Dublin II for family reunification (Article 7, 8 and 15 of the Dublin II regulation) is also increasing.

4 Specific Refugee Groups

As Chechens submit the majority of applications in Poland they are a group of particular concern to refugee-assisting NGOs. There was no change in government policy in respect of this group in 2004. The majority of Chechens receive tolerated stay, although some do get Convention status and some are refused even tolerated stay. In the latter cases, we are aware of people being returned to Russia. Iraqis and Somalis (several persons a year) are being granted tolerated stay, we are not aware of any deportations.

Asylum seekers from Afghanistan do not get refugee status. Afghanistan now has a democratic government and the Polish authorities do not consider whether this government is effective or if it provides effective protection. Some Afghans who belong to particularly vulnerable groups, such as former government officials of the communist regime and those who are able to demonstrate that they have special reasons for not going back to Afghanistan can obtain subsidiary protection in Poland. In 2004, one decision on granting refugee status to an Afghan citizen was issued and 23 decisions on tolerated stay and subsidiary protection. 120 applications were rejected. This information has not been confirmed by the Office for Repatriation and Aliens

5 Legal and Procedural Developments

18 New legislation passed

The 2003 Act on Aliens and 2003 Act on Granting Protection to Aliens within the Territory of Poland were amended in 2004 to encompass the minimal requirements of the EU directive on family reunification, EU reception directive and to remove some existing gaps and deficiencies in the laws concerning aliens.

A refugee may apply for family reunification with his or her relatives abroad. Family encompasses: spouses, minor children, in some circumstances adult children provided that they are dependent on the person applying for family reunification and it can also apply to parents in special circumstances and relatives in ascending line. The only requirement is that the person proves the family relationship between themselves and the person they are applying to be reunited with. Persons who are admitted to Poland under the family reunification procedure obtain a temporary residence permit. This can be replaced by a permanent residence permit after a period of time. The new laws also provide for issuing Polish travel documents to persons granted subsidiary protection (tolerated stay) and broadened the scope of their social and economic rights (e.g. it is now possible for a person granted subsidiary protection to register as an unemployed person).

6 The Social Dimension

23 Changes in the reception system

The conditions laid down by the Reception Directive were introduced into Polish law with the last amendments in 2004. According to the new law, an asylum seeker has the right to work if the asylum decision has not been granted after one year of the procedure. ORA did not confirm this information.

Biography

POLISH HUMANITARIAN ORGANISATION

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