



Input by civil society to the EASO Annual Report 2016

EASO has started production of the Annual Report on the Situation of Asylum in the European Union 2016, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). The report will be finalised by collecting information from EU+ countries, civil-society stakeholders, UNHCR and other relevant sources on main developments in asylum policies and practices of EU+ countries in 2016.

Previous reports can be consulted on EASO's website: <https://www.easo.europa.eu/information-analysis/annual-report>

We would kindly like to ask you to provide your **observations**, - preferably bullet points to facilitate further processing of your input - **on developments in asylum law or practice in 2016 (and early 2017) in the areas listed below, reflecting the usual structure of the report**. Observations may concern national practices of specific EU+ countries or the EU as a whole.

The EASO Annual Report will not describe the national asylum systems in detail but present key developments in 2016, including **improvements and new/remaining concerns**. The topics listed below reflect the structure of chapter 4 of the EASO report on the 'Functioning of the CEAS'. We kindly ask all contributors to provide brief summaries only on those topics/issues that have seen important **improvements/deterioration as well as new concerns or where previous relevant concerns remained in 2016**.

Please bear in mind that the EASO Annual Report is a public document. Therefore, your input should be, whenever possible, supported with references to written sources to ensure transparency. That can be done by providing links to any documents such as position papers, important press releases, studies, comments, input to the other reports, public statements to government programs, etc.

While EASO endeavours to cover all relevant developments and strives to include as many references as possible, the final content of the EASO Annual Report remains bound by its terms of reference and volume. Therefore, while all contributions are gratefully received and recognised, EASO may edit contributions for length and clarity and use the submissions to best serve the objective of the Annual Report: to improve the quality, consistency and effectiveness of the CEAS.

Please provide your input by filling in this document (with attachments if required) and emailing it to ids@easo.europa.eu **AND** consultative-forum@easo.europa.eu **by 20 February 2017**.

Within the areas, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.
- Please use the topics listed below as a guide to providing input for each section. **DO NOT** provide information unrelated to relevant new developments.

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A general observation:

The argument of national security, public safety and public order seems to be the fundament of current Polish asylum policy and justification for undertaking as well as neglecting actions in this area. Poland tightened its policy and regulations.

1) Access to territory and procedure

There was the problem of repeated denial of access to the asylum procedure at the border crossing point Brest-Terespol.

See i.a.: *A road to nowhere. The account of a monitoring visit at the Brześć-Terespol border crossing between Poland and Belarus*, <http://www.hfhr.pl/en/road-to-nowhere-report-from-brest-terespol-border-crossing/>

2) Access to information and legal assistance

On 1st January 2016 new provisions have entered into force.

A person who has applied for international protection as well as a foreigner against whom proceedings are pending on depriving him/her a refugee status or subsidiary protection is entitled to free legal information in the first instance.

Free legal assistance is provided for applicants and foreigners in the second instance. The exercising this right depends on his/her income.

Free legal assistance includes:

1. preparation of an appeal against the decision on:
 - refusal to grant refugee status or subsidiary protection;
 - discontinuation of the proceedings on granting international protection;
 - transfer of the applicant to the Member State responsible for examining an application for international protection and discontinuation of the proceedings;
 - recognition an application for international protection as inadmissible;
 - refusal to take into account the applicant's statement about its intention to continue applying for international protection,
 - withdrawal of the refugee status or subsidiary protection.
2. Legal representation in the appeal proceedings on:
 - granting of international protection;
 - Dublin procedure;
 - withdrawal of refugee status or subsidiary protection

3) Providing interpretation services

4) Dublin procedure

5) Specific procedures (border, accelerated, admissibility)

On 30th January 2017, the Minister of the Interior and Administration presented a draft amendment to the law on granting protection for foreigners. The proposal introduce *i.a.* a border procedure - simplified and faster (decision shall be issued within 28 days) procedure for granting international protection, and placing foreigners at guarded immigration centres for the duration of asylum proceedings.

According to Polish government position this specific procedure enables better control on illegal immigration. The basic aim of a new law would be to increase the level of national security in Poland. It was also clearly stated that this proposal aims at discouragement refugees from seeking protection in Poland.

<http://www.mswia.gov.pl/pl/aktualnosci/15698,Po-pierwsze-bezpieczenstwo-projekt-zmian-w-zasadach-udzielania-ochrony-cudzoziem.html>

This proposal is evaluated as a step backward as regard foreigners protection in Poland

<http://www.hfhr.pl/krok-wstecz-w-udzielaniu-ochrony-cudzoziemcom-uwagi-hfpc-do-projektu-nowelizacji-ustawy/>

6) Reception of applicant for international protection:

7) Detention:

8) Procedures at First instance:

In draft amendment to the law on granting protection for foreigners plans have been made to create a list of “safe third countries’ and “safe countries of origin”. The list would be done by the way of ordinance of the Prime Minister, after prior consultation with the Minister of Foreign Affairs.

If a foreigner arrives from a “safe” country, immigration authorities will be entitled to reject their asylum application or transfer the asylum proceedings to a fast-track route.

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9) Procedures at Second Instance:

10) Availability and use of Country of Origin Information:

11) Vulnerable applicants:

12) Content of protection – situation of beneficiaries of protection

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13) Return of former applicants for international protection

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14) Resettlement and relocation

In January 2016, the Polish government presented the project of the ordinance on the foreigners' relocation in 2016.

Sejm, the Polish parliamentary authority, adopted a Resolution on 1st April 2016, in which it opposes to the Council Decision of September 2015 and urges the Polish government to enforce national criteria in Polish migration policy.

On 20th May 2016 an amendment to the Act on granting protection to foreigners was enacted and has changed rules on gathering information on foreigners before relocation or resettlement. According to new provisions, the deadline to inform the Head of the Office for Foreigners if a foreigner causes a threat to national defence, state security and public order is extended to 45 days (before change it was 14 days).

In May 2016, the Polish authorities informed that the process of relocation from Greece and from Italy was cancelled.

Polish government presents the view that refugees should be supported and protected in a place of their stay.

15) Other relevant developments

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