

Diakonie 
Deutschland



Refugee Protection in Europe 2021/22: Breakthrough or Breakdown?

Documentation of the
16TH EUROPEAN CONFERENCE
ON ASYLUM LAW

WARSAW
17 - 21 OCTOBER 2022

IN COOPERATION WITH



Kościół Ewangelicko-Augsburski
w Polsce



17.-21. October 2022

Warsaw

Gromada Hotel Centre

plac Powstańców Warszawy 2

Refugee Protection in Europe 2021/22: Breakthrough or Breakdown?

**Ochrona uchodźców w Europie
2021/22: przełom czy ślepy
załęk?**

**16th European
Conference on Asylum**

**16 Europejska konferencja
azyłowa**

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PROGRAMM

During the Conference English and Polish interpretation is available, unless indicated.
Konferencja tłumaczona na język polski za wyjątkiem zaznaczonych paneli.

Day 1 · Monday, 17th October 2022

- 1:00 pm** Arrival and Conference Registration, Welcome Lunch
- 3:00 pm** **Conference Opening**
Bishop Andrzej Malicki,
President of the Polish Ecumenical Council, Methodist Church
- 3:15 pm** **Words of Welcome and Introduction**
Dr. Torsten Moritz, General Secretary CCME
Agnieszka Godfrejów-Tamogórska, Evangelical-Augsburg Church in Poland
Katharina Voss, Diakonie Deutschland
- 3:30 pm** **Values and Reality in European Asylum Migration Policy 2022 from a Polish perspective**
Prof. Dr. Maciej Duszczyk,
Centre of Migration Research at the University of Warsaw
- 4:30 pm** **Coffee Break**
- 5:00 pm** **Introduction: Past and Present Refugee Reception in Poland from different perspectives**
- 1. Formal and legal situation of refugees in Poland**
N.N., Department of International Affairs and Migration at Ministry of the Interior and Administration
Magdalena Wojno, Union of Polish Metropolises, a foundation associating 12 large Polish cities
 - 2. From a NGO Perspective**
Agnieszka Kosowicz, Polish Migration Forum
Marta Górczyńska, Helsinki Committee Poland
 - 3. Perspective of churches**
Dr. Tomasz Sieniow, The John Paul II Catholic University of Lublin, Council of the Polish Episcopate for Migration, Tourism and Pilgrimage
Rev. Dr. Grzegorz Giemza, Polish Ecumenical Council
- 7:00 pm** Dinner

Day 3 · Wednesday, 19th October 2022

- 9:30 am** **Debrief from visits at the borders**
- 10:30 am** **The Temporary Protection Directive and receptions of Ukrainians in theory and practice**
Viktoryia Vaitovich, European Council for Refugees and Exiles (ECRE)
- 11:00 am** **Welcoming Refugees from Ukraine: Sharing Latest Developments in my country concerning reception and inclusion**
- 12:30 pm** **Lunchbreak**
- 2:30 pm** **Current Operational Situation and Challenges: Meeting NGOs and actors on the ground in Poland in break-out sessions**
- 1. Legal Asylum Work (only in EN)**
Aleksandra Chrzanowska, Board Member/ Foreigners Division
Association for Legal Intervention
Ewa Ostaszewska-Żuk, Lawyer, Helsinki Foundation for Human Rights
 - 2. Inclusion of Refugees**
Ewa Piepiora, Warsaw Family Support Centre, integration programme
Paulina Berczynska, Warsaw Family Support Centre
Essayas Techane, Ethiopian-Polish Association "SELAM"
Sylwia Jankowska, Jesuit Refugee Center
 - 3. Humanitarian Aid (only in EN)**
Magdalena Zuberek-Wąsińska, Ocalenie
Agnieszka Serwaczak, Salam Lab
Katarzyna Makarowicz, Salam Lab
Julius Kibet, Program Coordinator, Lutheran World Federation
Andrzej Kosno, Project Coordinator Cash & Protection Centers, Lutheran World Federation
 - 4. Church based Refugee Services**
Dr. Iwona Baraniec, Diaconia of the Evangelical Church of the Augsburg Confession in Poland
Rev. Leszek Wakula, Baptist Charity Action (BACH)
Rev. Dr. Doroteusz Sawicki, Eleos Orthodox organization

Day 2 · Tuesday, 18th October 2022

- 7:00 am** **Closed and open Borders in Europe? Visit to the Belarussian or to the Ukrainian border**
- 8:00 pm** **Commemoration service for those who lost their lives at the borders at Holy Trinity Lutheran Church, Warsaw, plac Stanisława Małachowskiego 1 in cooperation with the Warsaw branch of the Polish Ecumenical Council**
- 3:30** **Coffeebreak in the break-out rooms**
- 4:00 pm** **Change the room - second round**
- 5:30 pm** **Panel: Current Operational Situation and Challenges in refugee reception in Poland**
Izabela Zabielska, Warszawskie Centrum Pomocy Rodzinie (Warsaw Family Assistance Center)
Dr. Hanna Machińska (vice-)Ombudsman, Deputy Commissioner for Human Rights in Poland
Agnieszka Kosowicz, Polish Migration Forum
Magda Qandil, borderline-europe
Lorena Isla Rodriguez, Senior Protection Officer UNHCR Poland
N.N., Polish Ecumenical Council
chair: Yasmine Rishmawi, Executive Secretary of CCME
- 7:00 pm** **Dinner Buffett with all panelists**

Day 4 · Thursday, 20th October 2022

- 10:00 am** **Refugee Protection under pressure: state of emergency as a permanent state of affair?**
Dr. Andreas Grünewald, Brot für die Welt
- 10:30 am** **CEAS Reform - Recent EU initiatives on "instrumentalization"**
Catherine Hewitt & Yasmine Rishmawi, CCME
- 11:00 am** **Current Operational Situation and Challenges in refugee reception and groups of concern in other EU-countries**
Alexandros Chrysomallos, Equal Rights Beyond Borders
Georgiadou Despoina/ Panteleimon Papasynefakis, SYNYPARXIS- Ecumenical Refugee Programme, Greek mainland tbc
Goos Mindermann, CCME, Netherlands
Sabine Schwirner, Kirchen helfen Kirchen, Germany
Claver Davy Igiraneza, Empowering Response Burundi, Belgium
- 1:00 pm** **Lunch Break**

Preface

The European Asylum Conference 2022 in many ways took place in an unprecedented context.

It took place half a year after the start of the Russian aggression on Ukraine, which had led to the biggest displacement in Europe since World War II. Churches, their agencies, civil societies and individuals had reacted with an impressive outpour of solidarity and support. This solidarity and support were visible across all of Europe, but in particular in the neighbouring countries of Ukraine – mostly countries with limited experience in refugee reception. For many churches and organisations the European Asylum conference 2022 was the first time of pan European networking. Many useful links were created.

At the same time, 2022 was the first year after the COVID pandemic in which the European Asylum Conference could take place again. The analysis was sobering of developments since the last conference in 2018 : the treatment of non-Ukrainian refugees trying to enter Poland was so dramatically different and discriminatory that it was shocking. However, these observations were not detecting a specifically Polish phenomenon : pushbacks, mistreatment, brutalisation and deaths at European borders have in recent years very much become a reality at all external borders. News about the negotiations on asylum policy such as the EU “pact” indicated that the trend towards externalisation, dissuasion and undermining of asylum is likely to continue.

An event like the European Asylum Conference is in this context indispensable for joint analysis, exchange, strategizing and simply mutual support.

I would like to express most heartfelt thanks to our partner and member Diakonie Deutschland and in particular Katharina Voss and her colleagues. The by now traditional cooperation on this event is a great gift for CCME and always a pleasure!

We are very grateful to the Polish Ecumenical Council and the Evangelical Lutheran Church of the Augsburg Confession for their splendid support in organizing this conference, especially Agnieszka Godfrejów-Tarnogórska, Weronika Kluza, Michał Dmitruk and last but not least Rev. Grzegorz Giemza. Their contribution to the Agenda and help with all the logistics was indispensable.

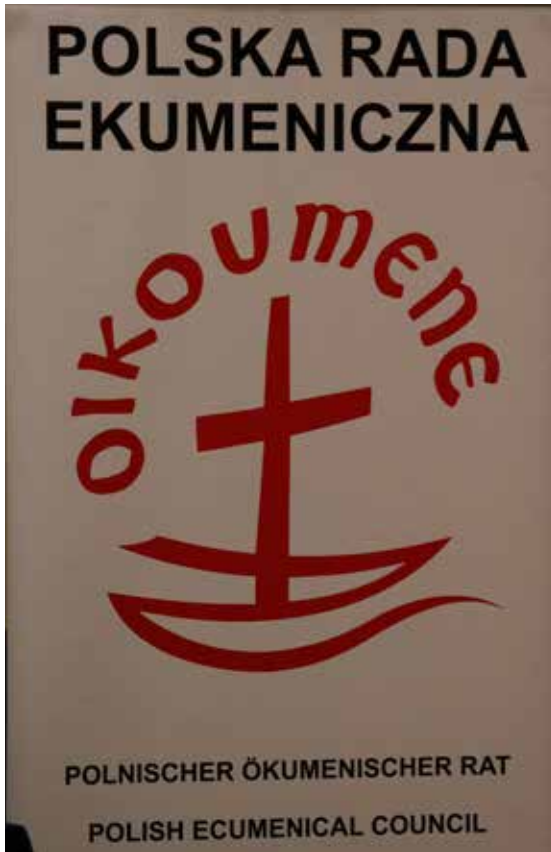
We also thank Rafael Nikodemus, Evangelical Church in the Rhineland, and Ansgar Gilster, Evangelical Church in Germany, for their churches' generous support and my colleague Yasmina Rishmawi, for her continuous effort to put this documentation together. Thanks go to Angelika and Dankwart Loeper for the conference photos and final layout and editing.

In the hope that the deliberations of the European Asylum Conference 2022 will be useful and that we might meet at the next one I remain

Cordially yours

Dr Torsten Moritz

General Secretary CCME



Conference Opening

Bishop Andrzej Malicki, President of the Polish Ecumenical Council, Methodist Church

The Bishop commenced his presentation with a joke. He said that in heaven everyone speaks Polish because it takes an eternity to learn!

The Bishop stated that it was an honour and a privilege to welcome all to the 16th Conference, Refugee Protection in Europe 2021-2022: Breakthrough or Breakdown? The Bishop said that he was looking forward to progressing the discussion on this matter which concerns challenging themes. In particular, he stated that he was looking forward to hearing about the different refugee experiences and perspectives. In his opinion, since the Russian invasion of Ukraine, the world is not the same. After the experience of World War II, 'we thought that this type of incident would not happen again'. The Bishop

stated that our role as Christians is to act and to pray. Christians are motivated by a vision of helping those in need; we Christians believe in the same God and cannot turn away from orphans and refugees. Scripture demands that we help and love them regardless of nationality or their religion. The Bishop referred to the parable of the Good Samaritan as a perfect example of how to act. The Bishop also referred to John Wesley, the founder of the Methodists who stated that more acts and deeds and less words were necessary. The Bishop concluded with a further reference to the parable of the Good Samaritan, Gospel Luke, Ch 10 by referring to the words of Jesus during the conversation with the Lawyer. Jesus said: 'Go and do likewise'. The Bishop said 'So, Sisters and Brothers Let's go and do likewise'



Words of Welcome and Introduction



Dr. Torsten Moritz, General Secretary CCME

Dr Moritz said a few words on behalf of the co-organiser, CCME. Dr. Moritz referred to the 15th Asylum Conference and thought that at this conference they would still be focusing on the Mediterranean region. However, the situation has changed so much with the unimaginable war in Ukraine. He noted the different realities of the two borders in Poland with Ukraine and Belarus. Dr Moritz stated that he was personally happy to be here in Poland and thanked his Polish colleagues. Dr. Moritz also thanked Katharina Voss

and her colleagues of Diakonie Deutschland for all their work in organising the conference. Finally, Dr Moritz, expressed his hope that the conference would move forward in a positive spirit.





Agnieszka Godfrejów-Tarnogórska,
Evangelical-Augsburg Church in Poland

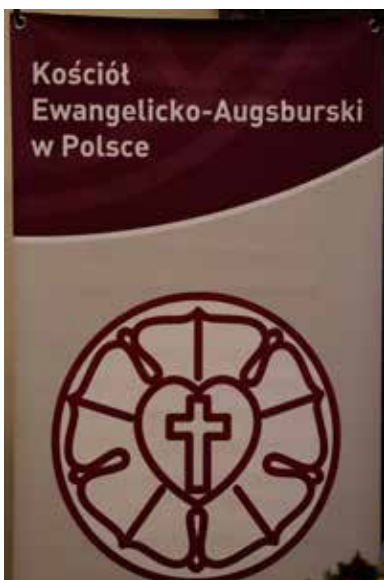
Ms Godfrejów-Tarnogórska informed us that she was contacted by Dr. Torsten Moritz about holding a conference in Poland only one week into the Ukrainian war. She admitted that she could not think about a conference at that time. However, she now sees the conference as a very important gathering. Ms Godfrejów-Tarnogórska was still full of doubts about what will happen next, not only on the Polish borders but in relation to the wars that are ongoing worldwide. Ms Godfrejów-Tarnogórska expressed her hope that in Poland people will always be welcoming and happy.



Katharina Voss, Diakonie Deutschland

MS. Voss expressed her thanks to everyone involved in the conference. She expressed her hope that the Conference will enable people, through their encounters with each other, to support each other's projects. Ms Voss also expressed the opinion that the EU should be built up by churches and civil society: 'Your external border is our external border and wall'. Ms Voss stated that there was a need to think about the CEAS to empower each other.

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Values and Reality in European Asylum Migration Policy 2022 from a Polish perspective

Prof. Dr. Maciej Duszczyk, Centre of Migration Research at the University of Warsaw.
A Member of the Polish Economic Council.

In his lecture titled “Values and Reality in European Asylum Migration Policy 2022 from a Polish perspective”, Dr. Maciej Duszczyk, a member of the Polish Economic Council and a professor at the Centre of Migration Research at the University of Warsaw, discussed the current situation in Europe, particularly from the perspective of Poland.

He began by highlighting that Poland is home to 130 different nationalities from all over the world, and until five years ago, Poland was seen as a country where more people left than arrived. However, the liberalization of the labor market in 2007 and the annexation of Crimea by Russia in 2014 increased the number of people arriving in Poland from other countries, particularly Ukraine. It is now estimated that there are approximately 1.35 million Ukrainians in Poland, 350,000 Belarusians, and 450,000 migrants from other countries, making up 8% of the population.

Dr. Duszczyk then discussed the current situation in the EU, noting that helping people in need is a fundamental value of the EU and one of the conditions of the Copenhagen criteria. However, recent events such as Brexit and the election of right-wing governments in Italy and Sweden suggest that some EU member states may be moving away from this value.

He also touched upon the situation on the Poland/Belarus border, where the blockage of the passage of migrants is a breach of the Refugee Convention and EU law. The Polish government has expressed security concerns about this new migration channel on the Belarus-Ukrainian border, which is facilitated by the Belarus and Russian governments.

Dr. Duszczyk then posed the question of how to maintain EU values. He suggested that securing EU borders may potentially breach human rights, and that advancing a human rights perspective

may result in a permanent state of crisis. He argued that the new Pact on Migration and Asylum, drafted before the Russian invasion of Ukraine, needs to be discussed again, taking into account these new realities.

Integration was another important topic that Dr. Duszczyk discussed. He argued that migration policies often take precedence over integration policies, which is a threat to integration. He emphasized the need for integration policies to be given prominence over migration policies, as integration can help define European values and counter the arguments of populist politicians.

Dr. Duszczyk also discussed the challenges to integration, such as education, healthcare, and the labor market. He noted that some Ukrainians in Poland face difficulties in accessing education, healthcare, and employment due to language barriers and the ongoing war in Ukraine. He suggested that measures such as the provision of childcare facilities, Polish language courses, and policies to prevent the exploitation of immigrants need to be put in place to facilitate integration.

In conclusion, Dr. Duszczyk emphasized the need to prioritize integration over migration policies to prevent the rise of nationalism and the potential break-up of the EU. He also stressed the importance of discussing the new realities in Europe and how they impact the values and policies of the EU.

Q&A Session with DR. Duszczyk

Dr. Duszczyk participated in a Q&A session where he was asked about various topics. When questioned about the role of the EU in building physical walls, he stated that the EU Structural Fund finances wall-building projects, which is not illegal. However, the decision to build a wall is ultimately a national parliamentary decision. Dr. Duszczyk



noted that Sweden and Finland are likely to build walls as well. He also mentioned that the wall in Poland is seen as a good photo opportunity for Polish politicians, but in reality, it is an ineffective PR opportunity.

Regarding visas for Russians, Dr. Duszczuk stated that most Polish people want to ban humanitarian visas for Russians due to the Russian actions in Bucha, Ukraine. However, he believes that not all Russians are a threat, and anti-Putin sentiment needs to be supported. Therefore, he thinks that humanitarian visas should be issued.

When asked to comment on integration/migration, Dr. Duszczuk mentioned that there are two different positions: welcome all or close borders to all. He believes that a solution lies between these two “stupid positions.” In a previous interview, he estimated that Poland could absorb between 800,000 to 1 million Ukrainian migrants. However, he also noted that climate change may lead to up to 150 million people moving from Africa to Europe over the next 15 to 20 years. If Europe is not prepared to absorb these people, it could lead to closed borders, rise of nationalism, and ultimately, the end of the EU and its wealth. Therefore, he believes that there needs to be a policy change to keep European values intact.



Prof. Dr. Maciej Duszczuk, Centre of Migration Research at the University of Warsaw.



Participants of the 16th European
Conference on Asylum,
Warsaw 17.-21. October 2022



Refugee Protection in Europe 2021/22:
Breakthrough or Breakdown?





WELCOME
TO THE
16. EUROPEAN
CONFERENCE
ON ASYLUM
WARSAW 2022





Introduction: Past and Present Refugee Reception in Poland from different perspectives

1. Formal and legal situation of refugees in Poland

Magdalena Wojno, Union of Polish Metropolises

In Poland there is a focus on migration and integration in its twelve largest cities. The national and local governments have faced difficulties but 'are doing their utmost on behalf of refugees'.

Since February this year (2022), their main task has been to focus on integration at a national and local level.

Prior to February 2022, there existed a lack of experience in receiving refugees. Furthermore, no temporary ad hoc medical centres were allowed because the law does not permit this.

In some schools, Ukrainian teachers have been employed to create an intracultural connexion.

The Ukrainians are not under international protection. The assistance provided to Ukrainians extends until next year. There are many challenges for women as they want to work, but childcare is an issue. Furthermore, some face aggression within the family, problems with alcoholism and addiction. Some Ukrainians may not return as there is no employment in their country of origin. Joint actions and dialogue on a local level are crucial.



Magdalena Wojno, Union of Polish Metropolises

2. From a NGO Perspective

Agnieszka Kosowicz, Polish Migration Forum

Agnieszka Kosowicz commenced by providing a brief history of Poland's relationship with the Refugee Convention 1951. Agnieszka Kosowicz stated that Poland has been a member of the Refugee Convention for the past 31 years. After 1989 and the fall of Communism, Sweden decided that Poland is a safe third country, but Poland had no asylum system in place. Following this declaration, Poland hosted Armenians, Georgians, Palestinians, and Chechnyans. A maximum 15,000 people per annum sought asylum with about 3000 people per annum being granted protection.

At the state level the government was not particularly interested in asylum and migration because the scope/impact was mainly limited.

However, after 2015, the government changed. The government espoused anti-NGO rhetoric;

this was a rocky period as a lot of NGOs lost state funding and the government suspended EU funding. Therefore, the NGOs had to look for other funding and engage in alternative techniques, including expanding international links.

During the 2021-2022 'harsh situation' at the Poland – Belarus border, the NGO community came up against unsupportive government policies. Many people at the local level who lived in the border area 'wanted to save lives'. The government behaved in a 'non-standard' way and did not provide any finance to deal with the crisis situation. By the time of the Russian invasion of Ukraine, NGOs were exhausted and frustrated with the government. With regard to Ukrainians, even though the government has opened up the labour and healthcare market to them, there is still huge burden being placed on NGOs and the government needs to do more.



Agnieszka Kosowicz, Polish Migration Forum

Marta Górczyńska, Helsinki Committee Poland

Marta Górczyńska stated that civil society (CS) has a very important role in this crisis; it is a crucial actor as it is usually the first to respond.

Marta Górczyńska believes that the government should engage more with CS.

10 years ago, the government sat at the same table as CS and issues were discussed together. Now, the government does not engage with CS, it does not invite CS to discuss aspects of asylum. This is unfortunate as CS can provide expertise and a perspective from the ground. This is the main difference between the present and the past.

Long term cooperation 'makes us resilient' as a society, we do not have to agree but we do have to talk.

The Church helps in finding some common ground, but the space for dialogue and the space for different positions is actually shrinking.

Marta Górczyńska asserted that the Ukraine crisis has shown that different policies are possible. In addition, from a human rights perspective, it is important to maintain the right to seek asylum. Those seeking asylum should be treated the same way as Ukrainians.

Marta Górczyńska stated that secure borders should not undermine human rights.

With reference to the Poland-Belarus Border, Marta Górczyńska shared that the border guard actions there were shocking. Push backs undermine the right to asylum, the right to life and result in inhumane treatment as individuals face danger on the Belarus side.

Marta Górczyńska also shared that activists and local inhabitants at the Poland-Belarus Border volunteer but in reality more professional help is needed. Other professional organisations and the Church should encourage the Polish Government to treat people better.

Winter is coming and resources should be transferred from the Polish-Ukrainian Border to the Polish Belarus Border.



Marta Górczyńska, Helsinki Committee Poland

3. Perspective of churches

Dr. Tomasz Sieniow, The John Paul II Catholic University of Lublin, Council of the Polish Episcopate for Migration, Tourism and Pilgrimage

Dr Tomasz Sieniow stated that Pope Francis has, in the past, said that the Roman Catholic Church (RCC) should welcome and protect refugees and promote integration.

However, the church is in a peculiar situation in relation to the government. The government claims to be Christian with Christian values, but it is against Islam (contrary to Christian values). The RCC in Poland has tried to sustain the message of Pope Francis and has suggested a humanitarian corridor into Poland. Yet, the idea of a humanitarian corridor has been rejected by the government as the idea does not align with its political rhetoric.

The government often states that it has accepted 1,000,000 refugees. However, this is not true as the Ukrainians are not refugees.

The government has supported/funded some organisations to help with the situation in the Middle East 'on the spot', that is, where the conflict is located.

Regarding the reception of refugees in 2016, the Christian approach to migrants and refugees was that refugees and migrants should not be 'divided with reference to race, nationality or religion' – contrary to the government approach.

In 2022 – everything changed again – Caritas Poland went to the borders and reception centres to help refugees. Dr Tomasz Sieniow asserted that the Ukraine war helped us discover our humanity again.



Dr. Tomasz Sieniow, President of the Rule of Law Institute & Associate Professor of Law at the John Paul II Catholic University of Lublin



Rev. Dr. Grzegorz Giemza, Polish Ecumenical Council

Q&A Session:

During the Q&A session, several topics were discussed. The role of the RCC (Roman Catholic Church) was mentioned, with concerns about its lack of unity and clear messaging. The RCC should aim to bring people together instead of being perceived as too close to the government.

Regarding nationalities trying to cross the Belarus-Polish border, discrimination against Russians was highlighted. Examples were given, such as a restaurant with a Russian name struggling to succeed due to bias.

The influence of the RCC on the government and society was discussed, emphasizing how Polish people are heavily influenced by Polish TV and the difficulty of conveying strong statements from Roman Catholic Bishops on important issues.

The provision of ecumenical help at the Polish borders was mentioned, but it was noted that even Polish church groups now face charges for providing aid, indicating intolerance from the Polish government.

Regarding incentivizing Ukrainians to move from cities to rural areas, it was explained that the rural areas lack necessary facilities and can lead to isolation. Many Ukrainians relocated to cities in western Poland due to proximity to Ukraine. Ukrainians have the right to stay in Poland but may lose certain benefits if they stay in Ukraine for more than a month.

The government is responsible for reception facilities, reintegration, and relocation programs. However, these programs are scarce in rural areas, especially psychological support. Developing such capacities from scratch in rural locations would be challenging.

There was a distinction in how Ukrainians and those crossing the Belarus border are referred to, with Ukrainians seen as “guests, friends, real refugees” while those crossing from Belarus are labeled as “illegal migrants.” Concerns were raised about the future when the war ends and whether Ukrainians will return to their home country.





Rev. Dr. Grzegorz Gienza, Polish Ecumenical Council

Closed and open Borders in Europe?



Kuznica, Polish-Belarusian Border

Visit to the Belarussian or to the Ukrainian border



Kuznica, Polish-Belarusian Border



Meeting the Deputy Head of the Polish Border Guards at Zosinie-Ruchpieszzy at the Ukrainian Border

Visit to the Polish/EU-Ukrainian Border

1. Visit to border area & presentation by the Deputy Head of the Polish Border Guards at Zosinie-Ruchpieszzy

Having seen photos from the Belarus/Ukrainian border visit, the border at Zosinie-Ruchpieszzy looked less securitised.

The group were given a presentation by the Deputy Head of the Polish Border Guard at Zosinie-Ruchpieszzy.

His presentation was based on data from February 2022 to the 18th of April 2022.

The group were informed that the main work of the Polish Border Guard at Zosinie-Ruchpieszzy was to protect the EU's external border.

The Polish Ukrainian border is 532 kilometres long and protected by 4 out of 9 divisions in Poland. The HQ is in Warsaw.

The Deputy Head of the Polish Border Guard at Zosinie-Ruchpieszzy also informed the group that the border with Belarus is 418 kilometres and the border with Russia is 232 kilometres.

Two to three weeks prior to the Russian Invasion of Ukraine on 24 February 2022, the Polish Border Guard at Zosinie-Ruchpieszzy tried to prepare themselves on various levels. They did this by cooperating with other services such as the police, fire services, rescue services, lawyers, and courts. The Polish Border Guard were expecting at worst a maximum of 50,000 Ukrainians in a day, but it turned out to be higher than expected. On the first day, 31,000 people pass through the border. Yet, on the 6th of March 2022, 142,000 people crossed the border.

Between the 24th of February and the 18th of April 2022 Poland has received over 3 million people. 633,000 have just walked over the border.

77% of people had passports however, many could not be read by biometric scanners. Some

people had visas some were without visas. Others had ID cards, birth certificates, university or school documents which were acceptable to the Polish authorities for identification purposes.

There were the logistical challenges; different lines for different types of documentation were created. Furthermore, given the scale of arrivals they had to increase the number of staff employed – the Zosinie-Ruchpieszki border area were allocated an extra 1120 personnel.

Procedures were simplified, for example, initially if someone tried to cross the border with no documentation, the entry decision rested with the Chief of the Border Guard in Warsaw. It was clear that this was impractical, and the decision-making structure had to change given the number of arrivals. Therefore, power was devolved to the local Border Guard Agency. Letting foreigners without passports pass through the border on foot was not possible before the Russian invasion of Ukraine – indeed crossing the border on foot was prohibited.

In addition, different lanes were created to facilitate the border crossings. For example, there were different lanes for people who had passports, for people who required humanitarian assistance, and for cargo trucks. The Polish Border Guard also increase the number of check-in/check-out points along the border. Two border crossing points were used solely to allow humanitarian assistance to go into Ukraine.

The Deputy Director of the Border Agency in Zosinie-Ruchpieszki said that 'We wanted to check-in' every foreigner but at the same time we had to legalise their stay in Poland and the EU so that they could apply for support.

The Deputy Director of the Border Agency in Zosinie-Ruchpieszki shared during his presentation about how people crossed the border and what they had with them. The people who were on foot simply carried their precious items including pets. Documents were previously required for pets, but this was waived. One day in March when the conditions were very cold, there were over 1000 people waiting in line to cross the border.

People who drove their cars over the border were given 30 days free insurance in Poland as Ukrainian car insurance is not valid in Poland. However, some people abandoned their cars as they were concerned that the line to cross the border was taking too long to move on some days due to the high volume of people.

There is one railway line at the border area which

extends 300km into Poland which transported people beyond the border area into central Poland. Twenty waggons were available which have the capacity to carry about 2,300 people. 26,000 people were transported this way into Poland up to the 18th of April 2022.

The Polish Border Guards had to check-in people inside the overcrowded carriages. They received one wagon full of children from orphanages, some with disabilities. It was very difficult to check them in.

Assistance provided/Volunteers: At the border crossing point tents were erected and food and drinks were provided along with 24-hour medical care.

In addition, many volunteers came to the border from the local area and from abroad offering food, transport, clothes; free veterinary services were also offered. Many organisations from Poland also offered help. There was also a lot of public support.

Leaflets were also distributed on 'how to behave' and explaining 'what type of assistance can be expected' Once people pass through the border, they were registered at a Reception Centre and subsequently issued with Polish ID cards which are valid for 18 months. The ID cards permit access to various social and health services.

Current Situation: Despite the increasingly volatile situation in Ukraine the Deputy Head Border Guard said that they have not seen a spike in crossings to date, but they are expecting increase of arrivals.

Deputy Head Border Guard at Zosinie-Ruchpieszki did inform the group that there was a spike in border traffic as the Ukrainian government announced in May that it was possible to import cars tax free into Ukraine from Poland. The Deputy Head Border Guard said: 'that was a headache'.

Q&A session

During the Q&A session, several questions were addressed.

The treatment of unaccompanied minors and orphans was discussed, and it was mentioned that they were transported to an orphanage in the center of Poland.

Regarding the rules on absence from Poland and returning to Ukraine, it was explained that if someone leaves Poland for more than 30 days, they will lose their benefits upon returning. It was unclear if they could re-apply for benefits after their return.

The challenges of decision-making by Border Guards in cases where individuals have no documents were discussed. Before the Russian invasion of Ukraine, decisions were made at headquarters in Warsaw, but afterward, waiting for decisions from headquarters worsened the situation at the border. Border Guards at a specific crossing were pleased with the devolved decision-making powers as it made their work easier. However, there were difficulties in dealing with third country nationals from high-risk countries connected to terrorism, although no one was refused entry regardless of their country of origin.

Regarding data on the current situation, it was mentioned that the data had not been finalized. The border crossings in May and June were complicated by the movement of cars between Poland and Ukraine due to tax-free imports. It was noted that in October 2022, approximately 1500 people were going and 1500 people were coming across the border.

[2. Attended a presentation by the Mayor of Hrubieszów & her team.](#)

[3. Visit to the Reception Centre in Hrubieszów.](#)

When the reception centre was very busy at the beginning of the Ukraine crisis, there was not enough room for everyone, so people stayed for one to two hours to be registered before they were sent elsewhere.

Now it is possible, given that it is quite quiet, for people to stay up to five days before alternative accommodation is found.

The reception centre was located in a large sports hall. Inside the main hall, there seemed to be hundreds of camp beds neatly lined up. The sleeping area was a shared space, therefore there was a lack of privacy. There did not seem to be that many people in the reception centre, but all age groups seem to be present from people who were in their 70s to young children of about two years old. I got the sense that the days there probably felt long. Some people staying there just wanted to talk and share a little of their story - It was a moving experience. The reception centre seemed to be cleaned and well organised, but it did have a sad atmosphere.

There was a children's play area and wall where inspiring messages had been placed – the words 'Have Faith' were written over a drawing of a Ukrainian flag. Some of the messages were from outside Poland, like the United States.

[Debriefing for the Belarus-Ukraine Border Visit on Tuesday 18th October 2022](#)

We met first border guards, and they talked about the reception of the Ukrainian war-refugees. There are 8 different crossing places between the Ukraine and Poland, and we were on the crossing border called Zosin-Ustyluh, which is the most Eastern place of EU.

Border guards had already understood that the situation in the Ukraine will become worse. When the war started 24.2.2022, they organised reception points as close to the border as possible and started to co-operate with many other organisation bodies in order to organise receiving people from the Ukraine. Border guardians have got more mandate at a time of crisis. The most active day was 6.3., when 142298 people crossed the border from the Ukraine to Poland. Now the total amount is a bit more than 3 million.

Those having a digital passport had easier border crossing than others, but every kind of people were taken into the country, even those who walked across the border. Walking was easier at the time, when there were a long queue of cars and waiting time was several days.

There were several lines for different types of refugees. Nationalities from the third countries had to join their own queue. We were told that they were asked about a possible terrorism. Very few of them had a possibility to stay in Poland but they continued further or back to their countries of origin. There were also challenges to register orphans and unaccompanied minors as well as disabled people. Having information desks at the border, guardians tried to deliver accurate information. Also pets without documents were accepted.

It was necessary to organise different kind of facilities even before the Poland border, since people were outside in a cold weather, without food and proper clothing. With co-operation of different NGOs humanitarian aid was shared including medicative help. Buses took people from the border to the reception centres.

Recently it has been quieter, but there are expectations of more people coming if the inva-

sion of Russian army will get harder. Since May and June, the Ukrainians have returned to the Ukraine by a car bought from Poland, because it is now tax-free. This has caused more work at the border.

We learnt that if a person is away from Poland for 30 days, he/she will lose his/her temporary protection status and all benefits which come through the status. However, returning is possible.

Since the Polish-Ukrainian border has been a place where many refugees have been gone through, it has been also an interesting place to visit for different countries' high representatives.

We also visited the town of Hrubieszow, of which mayor told us about their work with the Ukrainians. They have registered about 80 000 Ukrainians and the same amount of people have

passed the town without registration. They established a reception centre and gave people time to rest for some days before continuing further. They organised transportation to the places where people can stay longer. With the help of many volunteers, different local enterprises and organisations and governmental money they could organise food, clothes, medical care etc. for the refugees. The most difficult refugees were those with serious alcohol and mental problems.

After seeing the town hall, we visited also the orthodox church and reception centre. In the centre we saw a big sport hall with beds just side by side. There were only few refugees, but facilities to take more were still there.

The visit gave a picture of welcoming Poland which was willing to organise facilities so quickly.



Kuznica, Polish-Belarusian Border



Fotos: Stephanie Dorn

Kuznica, Polish-Belarusian Border

Visit to the Polish/EU-Belarusian Border

Poland's border with Belarus is also an external border of the EU. In the autumn of 2021, it became the centre stage of a new migration-to-Europe route enabled by Belarus' (and later Russia's) selling visas to people fleeing wars mainly in the Middle East and Africa, dubbed by the EU as 'instrumentalization' crisis.¹

Those seeking protection would be able to fly directly to Minsk (later to Moscow, from where they would head overland to Minsk), and move towards the very border only to become objects of 'human ping-pong' played by the Polish and Belarusian border corps pushing them respectively back and forward. Some spent long exhausting weeks in the border forest, some sustained physical and psychological injuries that will stay with them forever, others lost their lives there.

Right at the beginning of the crisis, Poland introduced a state-of-emergency zone (a-few-kilometres-wide strip of land along its 418-kilometers-long border with Belarus with strictly limited entry), sent countless military forces, introduced legislation that "legalized" pushbacks², denied people access to asylum and blocked life-saving humanitarian assistance. [The zone became a zone of violence and death for those on the move, as reported by Warsaw-based Helsinki Foundation for Human Rights.](#)

In the following year, 2022, Poland continued with these measures, as well as erected a five-meters-high border fence topped with concertina wire. Falling down from it usually ends up in severe injury (broken limbs, damaged hip bones, fractured skulls), if not death. However, when the war in Ukraine broke out that year, one could see an incomprehensibly different face of Poland and Europe: open, hospitable, able to grant access to its territory and asylum procedure, as well as

freedom of movement to people fleeing war. It led to [a system of double standards and de facto segregation, as portreyed in Amnesty International's report](#): cruelty to non-white, non-European, assumedly-Muslim refugees from Syria, Iraq, Yemen, Afghanistan, Eritrea, Somalia, Sudan, and many other war-torn countries and compassion to white, European, assumedly-Christian refugees from Ukraine along the same Eastern EU border.

[Visit to the Poland/EU-Belarus border on October 18th, 2022 – an account](#)

The visit to the border consisted of:

(1) a briefing by Andrzej Jakubaszek, the commander of the Podlaski Border Guard Regional Unit at the regional headquarters in Białystok;

Commander Jakubaszek, supported by some of his staff, painted a picture of a "hybrid war" waged by Lukashenko, Belarus' dictator, as well as of instrumentalised but allegedly well-off, highly organised and highly aggressive migrants, who would "instrumentalise even their own children" as a tear-squeezing tool to cross the border (what caused a protest of a member of the delegation who experienced seeking asylum in the EU themselves). He presented some statistics, e.g. irregular crossings of the so-called green border intercepted by his forces (3 such crossings in 2018, 10 in 2019, 117 in 2020, 2423 in 2021 and 340 during the first three quarters of 2022) or people either apprehended or "redirected" by his forces.

Later part of his presentation discussed ways in which his forces allegedly "support migrants" both during their attempts to access the Polish territory and later in detention that is in the guarded centres for foreigners run by the Border Guard. It stands in stark contrast with testimonies of affected persons depicting degrading treatment in these centres. Poland systematically detains non-European asylum-seekers for at least several months (in some cases [18 months and longer](#)), including families with small children, pregnant women, persons with special medical and psychological needs, survivors of torture.

¹Poland developed additional narrative of a 'hybrid war' allegedly launched against it by Lukashenko.

²Pushbacks, or illegal collective expulsions (term used by Helsinki Foundation for Human Rights), constitute summary returns, in which people seeking international protection in Poland are collectively sent back to Belarus without procedural guarantees that is initiation of the administrative procedures required under law.

(2) a field briefing at the Border Guard Post in Kuznica;

At the [Border Guard Post in Kuznica](#), which includes suspended at-the-time of our visit border crossing for freight, pedestrian and passenger traffic, we were shown – in a hi-tech operating room equipped with dozens of screens connected to cameras monitoring the border – a docudrama-style video depicting events from a year earlier. In October 2021, hundreds of desperate people, clearly animated and led by the Belarusian forces, attempted collective entry into Poland. Polish authorities - with Law and Justice Party in power at the time - responded by sealing Kuznica border crossing, firing water cannons and teargas at them. These events were narrated as a battle in defense of Poland's territory and territorial integrity from a foreign threat. They had nearly 20,000 Polish border guards, flanked by military support, deployed

to the area [in a show of force unknown in the country since the end of the cold war](#). The screening was followed by a Q&A with the staff of the operating room, and later with the commander of Kuznica BG Post.

(3) an over-lunch-briefing with Ocalenie Foundation;

[Ocalenie Foundation](#), along the wider volunteer coalition of Grupa Granica, works as frontline responders from the start of the crisis. They support both desperate people in the Polish border forest - hiding from the border guards to avoid a push back - as well as accompany them further, if they have managed to remain on the Polish territory by applying for asylum. In a sharp contrast to the two previous briefings, Ocalenie painted a gruesome picture of the situation of those on the move resulting from the measures applied against them by the Polish state.



Update – 2023

2023 has seen only [a further increase of violence at the Polish-Belarusian border](#). The already gruesome treatment of asylum-seekers has reached new levels of cruelty and dehumanisation as reported by the survivors and documented by Polish human rights organisations. People testified having been beaten with fists or a button on their faces and bodies, kicked, bitten by dogs, subjected to humiliating personal searches, ordered to strip down to their underwear or naked and kept such for a long time in cold winter temperatures, also ordered to remain in wet clothes in cold winter temperatures, as well as sprayed with tear gas - equally men, women, children - just before being pushed back into Belarus, where no medical or humanitarian assistance is to reach them.

[On January 7th, 2023 a body of a 36-year-old Ibrahim Dihiya, a medical doctor from Yemen, was found](#). In the preceding days, after many unsuccessful attempts of entry, his group crossed a freezing cold border river. As Ibrahim's condition was deteriorating, part of his companions stayed with him, while another part went to seek help for him. They came across a patrol of Polish "uniformed forces"⁴,

⁴The term uniformed forces in Poland's border region with Belarus could mean members of the Border Guard, as much as the Polish army (including Territorial Defence Force, military police, special forces), which all roam in the border forest in search of people to push back. Regular police forces are also involved in the region, however in movement control roles.



Fotos: Stephanie Dorn

whom they informed about his critical medical condition and his location. Nonetheless Polish forces did not initiate any search and rescue of the dying man. Instead they pushed back his companions into Belarus and let him die in the Polish forest.

The practice of cruel pushbacks remained in place throughout the year, [despite a new “liberal” government having been formed by a coalition of opposition parties.](#) The new

speaker of Sejm, the parliament, Szymon Hołownia, organised a Christmas Eve meeting for people in need, including asylum-seekers that survived the Polish-Belarusian border, while others were being forced back over the same border by the Polish forces. Little if no change is to be expected in the de facto migration policy especially with the new Polish prime minister [Donald Tusk announcing that Poland will refuse any relocations of asylum-seekers](#) under the EU’s new migration pact.





Commemoration service for those who lost their lives at the borders at Holy Trinity Lutheran Church, Warsaw

CCME in cooperation with Diakonie Deutschland, the Polish Ecumenical Council and the Evangelical Church of the Augsburg Confession Poland organized a service of Commemoration for those who have died at the external borders of the EU at the Holy Trinity Church/ Kościół Świętej Trójcy.

The service was led by Rev Piotr Gas (Ev. Church A.C. Poland), Rev Dietlind Jochims (Ev. Church of Northern Germany) and Rev Rafael Nikodemus (Ev. Church of the Rhineland) in cooperation with local groups of the Polish Ecumenical Council and the Ev. Church A.C.

CCME together with churches across Europe every year commemorates those who have died on their way to safety at the EU's external borders. The commemoration has also become a part of the European Asylum Conferences organised by CCME, Diakonie Deutschland and partners.

This year's European Asylum Conference once again highlighted the reality at the EU's external borders, namely Poland's border with Belarus and Ukraine. The commemoration service was held to remember those who have lost their lives trying to cross these and many other external borders of the EU.



List of deaths at the EU external borders

The Temporary Protection Directive and receptions of Ukrainians in theory and practice

Viktorija Vaitovich, European Council for Refugees and Exiles (ECRE)

ECRE is an alliance of 108 NGOs across 39 European countries. ECRE works to protect and advance the rights of refugees, asylum-seekers and other forcibly displaced persons in Europe and in Europe's external policies, through legal assistance, litigation, monitoring policy and law, advocacy and campaigning.

- 10 million people entered EU from Ukraine and Moldova (8.7 Ukrainian nationals) according to the Commission.
- According to the latest figures provided by the UNHCR, nearly one-third of Ukrainians have been forced from their homes resulting in More than 7 million refugees from Ukraine being recorded across Europe.
- Over 4 million refugees from Ukraine have registered for temporary protection or similar national protection schemes.
- More than 12.3 million movements out of Ukraine have been recorded since 24 February, with over 5.5 million movements back into the country.
- As a response to the displacement, the unprecedented activation of the Temporary Protection Directive was a way to provide immediate protection, access to accommodation, the labour market, social and health services
- Solidarity Platform was initiated by the Commission to provide a hub for coordinating the reception of those fleeing Ukraine.
- Currently it is the main instrument for the EC to respond to the Ukrainian crisis. Every topic is addressed through the solidarity platform, with other organisations at the national level, international organisations, and Member States.
- The Solidarity Platform is based on the 10-point plan to support member states, developed by the European Council and the Justice and Home Affairs Council in March 2022. The plan includes the:
 1. Creation of an EU platform for registration to exchange information on beneficiaries of temporary protection;
 2. Coordination at the EU level transport and information hubs, supported by the European Union Agency for Asylum;
 3. Mapping reception capacity and accommodation;
 4. Developing national contingency plans to address medium to long-term needs.
 5. developing standard operating procedures and uniform guidance for the reception and support of children;
 6. A common anti-trafficking plan to prevent trafficking and exploitation;
 7. Reinforced solidarity with Moldova through increased transfers;
 8. A reinforced framework for international cooperation on safe destination to coordinate contacts with Canada, US, the UK;
 9. Address internal security implications of the war in Ukraine, including organised crime and trafficking groups and ensure the enforcement of EU sanctions against Russian and Belarussian individuals;
 10. Providing adequate resources and funding: to support the Member States the Commission has proposed to facilitate the flexible use of funding
- From the operational side, the SP is Chaired by the Commission, it brings together Member States, Schengen Associated Countries, the European External Action Service, the EU Asylum Agency, Frontex and Europol, the IOM and the UNHCR, also involving Ukraine and Moldova.
- The Solidarity Platform monitors emerging needs in the EU and coordinates the oper-



Viktoryia Vaitovich, European Council for Refugees and Exiles (ECRE)

ational response. It has mapped reception capacity in Member States, helped to ensure displaced people know their options, and supported their safety through the EU Common Anti-Trafficking Plan developed under the lead of the EU Anti-Trafficking Coordinator.

aspect. However, the onward movement does not occur on a scale necessary to reach a fair level of responsibility-sharing.

Functioning of the platform:

- Registration Platform: in line with the TPD, the Member States must register the beneficiaries of TP and to exchange the information. However, the numbers of registrations on the platform are very small, particularly in the case of the second entries in the Member States (170,000 out of the total 3,3 million people registered on the TP platform). This is due to the significant technical and legal issues related to the exchange of information and registration on the Platform (some MSs that are not yet connected to the platform for legal reasons, namely Austria, Sweden, Slovenia, Denmark as well as the Associated Countries. In the case of the latter, the reason is the lack of legal basis for the exchange of this info, which would require the conclusion of respective agreements).
- Relocation: is one of the components of the solidarity mechanism, alongside its financial

Good practices beyond SP:

- Digitalisation and speedy issuance of documents allowing TPD beneficiaries to access the labour market, social services and other rights; information provision through dedicated help platforms, help lines established in a short time, providing information on legal status and rights associated, launch of specific initiatives/platforms such as Safe Homes initiative and EU talent pool pilot.

Challenges:

- Socio-economic rights: limited remit of social protection and provision of health care, the lack of space in schools, language barriers
- Varying approaches to voluntary return and to the definitions of a “short-term visit” and “voluntary return”.
- Emerging two-tiered protection systems.

Welcoming Refugees from Ukraine: Sharing Latest Developments in my country concerning reception and inclusion

Czech Republic – Presented by Valerie Stulíková – coordinator of aid to Ukrainian refugees in Czech Brethren Evangelical church (ECCB)

Valerie Stulíková, the coordinator of aid to Ukrainian refugees in Czech Brethren Evangelical church (ECCB), recently presented on the latest developments in the Czech Republic regarding the reception and inclusion of Ukrainian refugees.

1. Czech Republic – global picture

Stulíková highlighted that since February 2022, the Czech Republic has received around 390,000 Ukrainian refugees who have been given a one-year protection visa, granting them the right to enter the labor market, receive humanitarian aid, enroll in Czech schools for children (up to age 15, which is obligatory), and access the health-care system. After six months, the majority of refugees have found employment, though these jobs often do not match their skills and education due to language barriers. Stulíková emphasized that the biggest need for the Ukrainian refugees in the Czech Republic is to learn Czech.

2. Introduction: Activities of Czech Brethren Evangelical Church (ECCB)

The ECCB has been continuously organizing humanitarian aid to Ukraine and refugees fleeing the Russian aggression for almost seven months. Numerous ECCB congregations provide accommodation, while the leadership organizes material and non-material support. The assistance provided includes material aid to Ukrainians in the Czech Republic, financial support for ECCB congregations in Ukraine, teaching the Czech language, establishing a Ukrainian library, and organizing leisure activities for refugees.

In addition to the projects already implemented, Stulíková also presented intended projects, including psychological support for women through support groups with Ukrainian therapists, integration groups for Czech and Ukrainian women to exchange recipes and practice Czech, psychological support for pastors and

coordinators, broadening integration between Czech and Ukrainian children through writing challenges, and support for ECCB congregations in the energy crisis.

Overall, the refugee crisis has brought about opportunities for the Czech Brethren Evangelical Church to cooperate with new partners and open doors to people who would not be otherwise interested in ECCB activities. There has been a new and close cooperation among municipalities, NGOs, civic activities, and Church congregations to support Ukrainian refugees in the Czech Republic.



Valerie Stulíková, Czech Brethren Evangelical Church

Input from Romania – Dana Garvil AIDRom

The war in Ukraine has led to an emergency situation in Romania, as thousands of people from Ukraine arrive at the border seeking assistance. The first wave of refugees had more resources and support networks, while the second wave is more vulnerable and likely to face prolonged stays in Romania. Romania has responded with hospitality, but the influx of people continues daily.

Several challenges have emerged during this crisis. The first is the need for food and essential items like clothing, blankets, and personal care products. The second challenge is the spread of fake news among the refugees, making it difficult for them to access accurate information and make informed decisions. Safe accommodation for an extended period is another pressing issue, along with the provision of medical care and medicines for those with chronic illnesses or other health issues.

Ukrainian citizens can enter Romania directly through customs or via the Republic of Moldova, and they have been granted access to the country. They can apply for asylum or temporary protection, with the majority opting for temporary protection to access essential services and freely travel between Romania and Ukraine.

AIDRom, as a first responder, offers support and assistance to Ukrainian citizens entering Romania through customs. Partnership with the Metropolitan of Moldavia and Bucovina enables the provision of information, counseling, and emergency assistance such as food, water, and cleaning products. AIDRom has also received donations and assistance from various sources to improve the accommodation and facilities at customs checkpoints.

In Isaccea customs, AIDRom provides weekly assistance to Ukrainian arrivals, offering information, counseling, and emergency material aid. A module donated by the International Organization for Migration will provide a safe space for assistance and accommodation for both refugees and AIDRom staff.

Despite the challenges, AIDRom and other organizations continue their efforts to support and provide for the needs of Ukrainian refugees entering Romania.



Dana Gavril, AIDRom



Illumination of a house in Warsaw

Current Operational Situation and Challenges: Meeting NGOs and actors on the ground in Poland in break-out sessions



Legal Asylum Work

Aleksandra Chrzanowska, Foreigners Division
Association for Legal Intervention

Ewa Ostaszewska-Żuk, Lawyer, Helsinki Foundation
for Human Rights

Moderator: Robert Nestler (RN)

Speakers: Ewa Ostaszewska (EO) and Aleksandra
Chrzanowska (AC)

AC is representing the Border Group (Grup
Graniczya).

The moderator pointed out topics related to access to asylum and access to territory, detention, and differences in asylum regulations between Ukrainians and other third-country nationals.

The session discussed the current operational situation and challenges related to legal asylum work in Poland. The speakers, Aleksandra Chrzanowska and Ewa Ostaszewska-uk, discussed several

Aleksandra Chrzanowska highlighted that since October 21, 2022, all access from Belarus to Poland has been denied. While the border guards are receiving asylum applications, they are not supposed to decide on them and have no right to deny asylum seekers the right to access. Poland stopped taking asylum seekers since the crisis in 2015, and in 2021, it started to push back to Belarus. People who ask for asylum are not being heard, and there is no way back to Minsk.

The Polish parliament is processing two legislations related to asylum seekers. The first legislation from August 2021, which stated that oral applications for asylum are not valid, was abolished by the courts. The second legislation, which is still under discussion, is about the law of foreigners. Border Guards can refuse people and send them back to the border, and a basic admin is demanded in the law, along with the



possibility of appeal. However, neither of the two is well described. After writing down a name, the appeal is treated by the same border guard. Lawyers are trying to appeal to the court about this practice, and it seems that the court is in favor of them.

Since July 22, 2022, the wall on the eastern border of Poland has been completed, but people are still crossing. Many border guards and police have been trained and organized around the eastern border. Clients of the lawyers say the guards took their money, papers, and mobile phones.

Ewa Ostaszewska-uk continued the discussion by mentioning that the border guards legally have two options when asylum is asked and agreed to by the applicant. The first option is a detention center, and the second is an alternative. However, the alternatives are never used, and all asylum applicants are in detention. Many others found their way to Germany. People who are going to detention are depending on the ruling of the court, but translators are unreliable. Clients also get false instructions from translators or border guards. Clients do not know their rights, do not know the existence of open and closed detention, and do not know that a new ruling of the courts is needed after six months, with a need to appeal within seven days. Mostly they get the decision of the guards a week later. Therefore, they depend on NGOs completely. Some people have been in detention for two years instead of six months, but some courts are more active, and we see hundreds of decisions ending detention.

Regarding Ukrainians, Ewa Ostaszewska-uk mentioned that they are safe, but they might have legal problems related to access to Italy from Polish territory or specific disabilities or schools. Third-country nationals might have some problems and may turn to asylum applications without knowing about the detention. If they escape Poland, other countries treat them as Dublin and send them back. The Netherlands and Belgian do so, and it has been impossible to contact the lawyers there.

Q&A Session

- There are currently 6 detention centers in Poland holding around 600 people with varying conditions.
- Bialystok detention center is an old army building with bars and no communication outside. It lacks internet, WhatsApp, translators, psychologists, and provides poor education for children aged 5 to 15.
- Iraqi Dubliners are directly sent to detention, and while Syrians and Afghans mostly had detention before going to Germany and the Netherlands, they cannot be deported. Iraqis will likely be deported.
- While violence was rare in the past, physical violence seems to have increased lately during the redirection of asylum seekers.



Inclusion of Refugees

Ewa Piepiora, Warsaw Family Support Centre, integration programme
 Paulina Berczynska, Warsaw Family Support Centre
 Essayas Techane, Ethiopian-Polish Association "SELAM"
 Sylwia Jankowska, Jesuit Refugee Center

Church based Refugee Services

Dr. Iwona Baraniec, Diaconia of the Evangelical Church of the Augsburg Confession in Poland
 Rev. Leszek Wakula, Baptist Charity Action (BACH)
 Rev. Dr. Doroteusz Sawicki, Eleos Orthodox organization



The speakers, Iwona Baranice, Leszek Wakula, and Doroteusz Sawaci, discussed their activities in providing humanitarian aid to Ukrainian refugees in their churches. They highlighted the challenges they face in delivering aid and finding volunteers, as well as the need for transparency and better organization. They also mentioned the difficulties in providing medical assistance and the desire for a fast track for humanitarian workers at the borders. They questioned why refugees from different countries are treated differently and discussed the challenges of dealing with refugees who have experienced trauma.

Humanitarian Aid

Magdalena Zuberek-Wąsińska, Ocalenie
 Agnieszka Serwaczak, Salam Lab
 Katarzyna Makarowicz, Salam Lab
 Julius Kibet, Program Coordinator, Lutheran World Federation
 Andrzej Kosno, Project Coordinator Cash & Protection Centers, Lutheran World Federation



Panel: Current Operational Situation and Challenges in refugee reception in Poland

Izabela Zabielska, Warszawskie Centrum Pomocy Rodzinie (Warsaw Family Assistance Center)

Dr. Hanna Machińska (vice-)Ombudsman, Deputy Commissioner for Human Rights in Poland

Agnieszka Kosowicz, Polish Migration Forum

Magda Qandil, borderline-europe

Lorena Isla Rodriguez, Senior Protection Officer UNHCR Poland

Rev. Dr. Grzegorz Giemza, Polish Ecumenical Council



Yasmine Rishmawi (left), Dr. Hanna Machińska (right)



Refugee Protection under pressure: state of emergency as a permanent state of affairs?

Dr. Andreas Grünewald, Brot für die Welt

Dr. Andreas Grünewald, began by posing the question of whether there is a common pattern underlying current policies at the EU's external borders, which he argued is connected to the EU's efforts to externalize restrictive migration measures to third countries. He noted that partners of Brot für die Welt working at the EU's external borders and in West-Africa and the Sahel have reported similar challenges and problems, such as pressure on freedom of movement and the right to asylum, rising violence against refugees and migrants, and growing pressure on NGOs, activists, lawyers, and journalists dealing with these issues.

According to Grünewald, the common pattern at the EU's external border is that different actors use the state of emergency as a pretext to suspend human rights obligations and fundamental principles of the Geneva convention, like non-refoulement. He argued that actors are actively producing a state of emergency at the borders to be able to do this, and that it has devastating effects for people on the move who need protection, as well as on democratic societies as a whole.

To illustrate this point, Grünewald described the situation at the Polish-Belarusian border in the summer of 2021, where the Polish government declared a state of emergency to cope with a supposed refugee crisis that did not exist. He argued that there was a double-instrumentalization at the border, where the regime of Lukashenkov instrumentalized people in need for its own political purposes, and the Polish government instrumentalized the move to stage a war-like scenario at the border and to cut fundamental rights of asylum seekers.

Grünewald criticized the EU's reaction to the situation, particularly EU Commissioner for Home Affairs Ylva Johansson, who advocated activating Article 78(3) of the Treaty on the Functioning of the EU, which allows member states to lower asylum processing standards substantially in the case of an emergency situation at the borders. He argued that Johansson was calling for crisis instruments to solve a non-crisis and that funda-

mental rights of asylum seekers were suspended, pushbacks were normalized, and journalists and humanitarian workers were denied access to the border area.

Grünewald then outlined the script that is being implemented by state and EU officials at various border areas, which includes presenting people trying to access EU territory as a threat to the EU and its member states, implementing emergency measures, and violating the rights of asylum seekers and people on the move, as well as restricting the work of organizations and activists that support them. He argues that this script is being implemented everywhere and has alarming implications for the future of EU's asylum and border policy.

Dr. Grünewald, therefore, tried to collect some evidence that we are witnessing the establishment of a state of emergency at many external borders.

He addressed two counterarguments: firstly, the reception of refugees from Ukraine, which proves that the EU is upholding its values and is protecting people in need, and secondly, foreign powers like Belarus are instrumentalizing migrants and refugees, and the EU needs to react. Dr. Grünewald argued that while the temporary protection mechanism activated by the EU for refugees from Ukraine was a good move, it might undermine the right to protection in the EU in general. Many partners of Brot für die Welt argue that European borders are selective and that the selection is not based on rights or needs, but on race.

Dr. Grünewald also addressed the issue of instrumentalization by foreign powers. He acknowledged that Lukashenkov, Erdogan, and others are instrumentalizing people in need, but he also emphasized that this instrumentalization is a result of a foreign policy that puts the establishment of a repressive border regime center stage. The EU and its member states have been putting pressure on third states to cooperate in the field of migration containment, using other policy fields like trade or development policy to

reach this goal. This strategy is called conditionality, and it involves countries that cooperate in the field of migration management getting more access to the EU market, more development money, and more Visas for its citizens. Countries that do not cooperate get less. As a result, neighboring countries have started to use people in need as bargaining power, which is a kind of counter-conditionality that slashes back. If this instrumentalization is to stop, Dr. Grünewald argued that the externalization approach in the EU's asylum and migration policy must stop.

Dr. Grünewald presented a case study of Niger, a transit country for migrants and refugees in West Africa. The EU has been intervening in Niger's policies for years, with the government of Niger adopting a law in 2015 that illegalized most migration movements between Niger and its neighboring countries. The EU directed a lot of funding to Niger to put flesh to this law, for example, by funding new equipment for security forces or exporting surveillance technology to the country. However, the effects of this cooperation for the local population and refugees have been devastating. Migration routes have become much more dangerous, making many migrants and refugees stranded in Niger, and the tension between the local population and people from abroad has risen within the last years.

Conclusion:

Dr. Grünewald argued that a state of emergency seems to arise as a common pattern of the policies at the EU's external borders, which is fed by a crisis discourse. To combat this issue, it is essential to stop the externalization approach in the EU's asylum and migration policy. It is necessary to create policies that are based on rights and needs rather than race and conditionality.



Dr. Andreas Grünewald, Brot für die Welt

CEAS Reform - Recent EU initiatives on “instrumentalization”

Catherine Hewitt & Yasmine Rishmawi, CCME



The session focused on instrumentalization and the EU’s response to it. Instrumentalization is defined as state-sponsored engineering of migratory flows for political purposes or hybrid attack. The two examples provided were Turkey and Belarus. In response to this, the EU has provided operational and financial support to frontline states, implemented sanctions, and proposed a new regulation called the Regulation Addressing the Situation of Instrumentalisation in the Field of Migration & Asylum COM (2021) 890 FINAL.

The new regulation provides a specific, permanent framework to counter the security threat, allows the EU to act quickly, sets up migration management procedures to protect vulnerable persons, and complements proposals under the New Pact on Migration and Asylum & the amended Schengen Border Code - subject to legislative scrutiny.

The new regulation proposes a definition of Instrumentalisation, which is a situation where a third country instigates irregular migratory flows into the Union by actively encouraging or faci-

lating the movement of third-country nationals to the external borders. This is done in a way that is indicative of the intentions of a third country to destabilize the Union or Member State and puts essential state functions, including territorial integrity, the maintenance of law and order, or the safeguard of its national security, at risk.

The regulation also allows derogations from elements of the EU Asylum acquis, such as the proposed Asylum Procedure Regulation (APR) 2016 & amended APR proposal 2020, the proposed Reception Conditions Directive recast 2016, and the proposed Return Directive recast 2018.

Derogations include extended registration periods, border procedures, prolongation of border detention procedures, material reception conditions, and the emergency return management procedure.

The extended registration period derogation allows a member state to extend the deadline to register applications for international protection

from 3 to 10 working days to up to 4 weeks. Priority must be given to applications likely to be well-founded, unaccompanied minors, minors, and family members. The proposed Revised Schengen Border Code also allows for the possibility to limit the number of border crossing points in an instrumentalization situation.

The border procedure derogation allows a member state to decide at the border or transit zone on admissibility & merits of 'all applications registered' without authorizing entry, with an exemption for medical cases. Priority must be given to applications likely to be well-founded, unaccompanied minors, minors, and family members.

The prolongation of border detention procedure derogation allows a member state to examine applications for a maximum period of 16 weeks, with appeals having no suspensive effect. After 16 weeks, the applicant can then be authorized to enter a member state's territory to complete the international protection procedure or can be refused entry if subject to a returns procedure.

The material reception conditions derogation allows a member state to temporarily set modalities for material reception conditions in relation to applicants, covering their basic needs such as temporary shelter, food, water, clothing, adequate medical care, and assistance to vulnerable persons in full respect of human dignity. The derogation is from ensuring an adequate standard of living that guarantees subsistence and protects physical and mental health, and a dignified standard of living is the absolute minimum.

The emergency return management procedure derogation allows member states to choose not to apply Article 41a Asylum Procedure Regulation and derogate from Return Directive recast, except for the principles of non-refoulement/best interests of the child, family life and state of health. The member state must provide a level of protection that is not less favorable than set out in the Return Directive



Current Operational Situation and Challenges in refugee reception and groups of concern in other EU-countries

Alexandros Chrysomallos, Equal Rights Beyond Borders, Greek Islands and external borders



Alexandros Chrysomallos, Equal Rights Beyond Borders

1. Context

- Territorial and chronological reference
- EU hotspots since 2015.
- EU-Turkey deal since March 2016.
- Evros incidents and Greece as EU Shield in March 2020.
- No deportation to Türkiye since 2020.
- Moria fire in 2020.
- JMD on list of safe third countries, adding Afghanistan, Somalia, Bangladesh, Pakistan, 2021
- Closed Controlled Access Centers (CCAC) – Planned also for mainland
- 2022: Activation of temporary protection Directive for refugees from Ukraine

2. Upon arrival / Barriers to access to territory and asylum

- Pushbacks practices and number of affected persons on islands and mainland increased and expanded, especially after Evros 2020 incidents -- > Case of Gulzar v. Greece indicative.
- UNHCR reported 500 incidents within 2021, the Agency receives increasing pressure for not responding effectively to calls for help. Evros border guards talk openly about more than 1500 pushbacks per week.
- Pushbacks modality: Balaclavas, drift-backs, rubber boats. In 2022 increasing incidents of kidnapping, torture and pushbacks from islands. Recruitment of migrants to perform pushbacks against payment or benefits.
- Article 33(1) 1951 Refugee Convention:
- Expel[ling] or return[ing] a refugee in any manner whatsoever to the frontiers of territories, where his life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion.
- EU Anti-Fraud Office (OLAF) report made public in Oct 2022: Suspension of surveillance after pushback reports (to not be able to see and report)
- Placement of COVID-19 containment measures that interfere with the right to immediate access to asylum.
- 5-14 days Quarantine Detention; No access to legal counsel, even without explicit authorization. Confiscation of mobile phones and dire living conditions: Mixed-gender accommodation and toilets, no access to information and proper material support.
- Quarantine Detention is used pretentiously: Affects all protection-seekers, irrespectively of previous infection, vaccination or testing status. Since May 2022 affects only protection seekers - no locals, no tourists from Turkey or elsewhere.
- Protection seekers are considered as tour-

ists for the imposition of administrative fines of 5000 EUR for breaching COVID-19 related protocols. ERBB cases successfully appealed and fines suspended.

- ERBB submissions to Greek Ombudsman and UN SR on Human Rights of Migrants especially for the violation of the right to immediate registration of asylum applications (art. 6 Asylum Procedures Directive).

3. After registration / Dysfunctional asylum system

Border procedures – Territorial scope:

- 2015-2021: Fast track border procedures in Eastern Aegean islands. Article 43 & 31(8)(b) Asylum Procedures Directive. 155.000 under-went fast track border procedures.
- Border procedures implications in our context: Examination of applications on admissibility, shortened deadlines (15 days to appeal), 25 days of restriction of freedom for registration.
- In practice, procedural rights are violated due to lack of capacity. Island RICs and CCACs lack doctors Vulnerability assessments not conducted before examination of asylum application No referral to regular procedure, asylum seekers not afforded procedural guarantees.
- June 2021: New JMD on list of safe third countries. Türkiye considered as safe for applicants from Syria, Afghanistan, Somalia, Pakistan, Bangladesh.
- ERBB & HIAS request to access GAS opinion to no avail, HIAS accessed opinion following prosecutorial order.

4. Administrative Immigration Detention

- Enactment of Greek International Protection Act expanded grounds of detention. Detention of 18 to 36 months due to interplay of 2 legal frameworks: Asylum detention and Immigration detention.
- Kos island has the only Pre-removal Detention Center after Moria fire in 2020. 1070 detention orders in 2021. ERBB objections against detention order led to reduction of detention time and framework. Since January 2022 6 months detention for those found “illegally staying”.
- Detention of rejected asylum applicants and STC admissibility rejections without legal basis (Art. 15(4) Return Directive): Returns to

Türkiye ceased in March 2020. EU Commission, readmissions GAS unit, unilateral termination of protocol by Türkiye and lately EU enlargement report indicate that Türkiye not safe.

Where the third country does not permit the applicant to enter its territory, Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in Chapter II

- Arbitrary application of STC principle increase to subsequent applications: Unwritten advise to GAS case workers for non-fulfillment of connection criterion.
- Unaccompanied minors further detained, age-assessment procedure improperly applied.

5. Reception conditions

- Protective custody for UAC in police stations abolished in 2021 and establishment of new tracing system.
- “Long-term accommodation camps” in mainland: Closure of camps close to urban places (e.g. Elaionas). Camps in remote areas do not serve for integration and needs of vulnerable persons.
- Island RICs and CCACs: State of deprivation of liberty with restricted movement outside facilities. Dire conditions in Vial, w/out doctors and psychologists. New Kos CCAC barriers for persons with disabilities. Kos PROKEKA unsuitable for mental health of protection-seekers, prison-like facility.
- Urban places: ESTIA programme to close by end of 2022 despite promises to double capacity. Cash for “self-accommodated” has stopped, in contravention to Reception Condition Directive Arts. 20 and 17.
- Significant problems with access to healthcare, housing and employment. Upcoming interim measures Rule 39 request on behalf of an ERBB client-beneficiary of international protection.
- Secondary movements linked to lack of integration chances. IOM and Helios inaccessible and ineffective.

6. Evros-Meriç 38

- 5-year-old Maria as the apple of discord: August 6: 39 persons seeking protection call the authorities and NGOs for help. They are on an

islet in the middle of Evros-Meric river. Among them a pregnant woman and a child in bad health condition after a scorpion bite.

- Civil society pleas for an immediate rescue, which triggered a hostile rhetoric in social media.
- Maria dies on August 9. Doubts on the death, its circumstances and even the name of the child.
- Following increased pressure by media, the civil society and ECtHR order, the 38 are rescued from the Evros riverbank. The Minister visits the reception center and confirms that a child has died and is buried on the islet.
- The issue is escalating and government sources accuse NGOs for creating a bordered issue, as the islet is on the Turkish side, as they say. The opposition submits a question in parliament, asking why the islet is shown as Greek in the land registry system.
- HR360 publishes a statement, stating that they were misled, that the islet is Turkish, that they did not want to create a border issue.

7. Criminalization of Solidarity

More than 80 NGOs are operating in Greece. Increased cases of prosecution of human rights workers in the last 3 years:

- Activist from Canada, sentenced to one-year suspended prison term for giving a bottle of water
- Knut Bry, arrested for taking photos of HCG vessels
- Iasonas Apostolopoulos. targeted by the government as traitor
- Ingeborg Beugel, Journalist.

Placement of NGO Registry: Initially to enhance accountability, regulate access to sites and control on use of funds. In practice: vague and subjective rules for access and removal from Registry, used as tool to prohibit access, limit funding and to self-censorship. RSA rejected due to sentence in Statute for providing legal support to persons under deportation.

UN SR HRD Lawlor visit July 2022 confirms NGO crackdown.

ERBB & HIAS Greece have appealed against JMD on Registry.

Panteleimon Papasynefakis, SYNYPARXIS- Ecumenical Refugee Programme, Greek mainland



Panteleimon Papasynefakis, representing the Church of Greece, spoke about the challenges faced by refugees seeking asylum in Europe. He commended Poland and the rest of Europe for their swift response in accommodating millions of people fleeing from Ukraine, but expressed concern over the slow and reluctant reception of refugees from third countries.

Refugee Inflows:

Papasynefakis acknowledged that while refugee inflows have significantly reduced in the last few years, the situation is still challenging. Greece, in particular, continues to experience pressure in accommodating refugees.

SYNYPARXIS:

SYNYPARXIS, the Ecumenical Refugee Programme, works in two major fields: legal assistance and child protection. They provide legal assistance to refugees facing shortcomings, delays, bureaucracy, and administrative deficiencies in the asylum procedure. They also operate five shelters for unaccompanied minors, providing accommodation, health, education, legal and psychosocial support, and preparing them for adulthood and autonomy.

Challenges:

The lack of a concrete central integration plan poses a significant challenge in facilitating a peaceful and mutually beneficial coexistence between refugees and locals. Moreover, funding delays have created obstacles in the operation of SYNYPARXIS.

Conclusion:

Papasynefakis emphasized the need to remember the basic principles of solidarity and terminate the policy of discrimination towards refugees. He warned that with the uncertainty of when destruction will hit or who will be next, the European Union must address these challenges before the next crisis arrives, particularly the food crisis.

[Prof. Dr. Goos Mindermann, CCME, Netherlands](#)



The reception crisis for refugees in the Netherlands has become a political crisis, with hundreds of people camping outside the registers' office with no food or sanitary facilities. The crisis has been ongoing since July and has gained widespread attention in parliament, newspapers, and civil society, with many expressing concern and shame. However, the decreased capacity is a result of explicit government policy from 2017, including staffing problems at Migration Services and 17,000 admitted refugees with status still in asylum centers, blocking the chain. Housing is the main problem in a country with a shortage of houses, and tensions with newcomers are feared.

Interim solutions have been put in place, such as ships and empty hotels for Ukrainians, and the city of Utrecht providing all houses for refugees for six weeks. However, the government is forcing municipalities to take their share, with legislation being late and sloppy and a strong populist wind. Dutch Refugee Work (VWN) took the government to court, resulting in a ruling that no more camping outside is allowed, children must be in good care within five days and in education or play facilities within four weeks, and no more vulnerable people in crisis shelter. The government is appealing this ruling.

The Dutch Protestant Church is offering 8,500 to 10,000 places for refugees with status to help get the process unstuck with new shelter capacity, using empty vicarages, offices, and church buildings. The church wants to be a catalyst of local dynamics, such as holiday homes, where the central government cannot reach. However, the number of places offered is not guaranteed, as there are still 17,000 refugees looking for a house in the Netherlands.



Claver Davy Igiraneza, Empowering
Response Burundi, Belgium



Claver Davy Igiraneza, gave a presentation on the current operational situation and challenges in refugee reception and groups of concern in other EU-countries. Burundi, one of the poorest countries in the world, is located in East Africa, bordered by Rwanda, the Democratic Republic of Congo (DRC), and Tanzania. The country has a population of 12.5 million, making it one of the most densely populated countries in Africa. The agricultural sector employs 80% of the population, of whom 50.6% are women and 41.5% are young people under 20.

The CNDD-FDD has dominated Burundi's political scene since 2005, with a large majority in the National Assembly and the Senate. The current president, Gnl Mjr Evariste Ndayishimiye, was elected in 2020 for a seven-year term. The National Development Plan 2018-2027 aims to

transform the Burundian economy for robust, sustainable, resilient, inclusive growth, leading to improved social welfare. Burundi has experienced a difficult economic situation over the past seven years, leading to fiscal deficits and balance of payments difficulties. Economic growth was estimated at 1.8% in 2021, supported by agriculture and an easing of COVID-19 restrictions. Inflation remained high at around 8.3% in 2021, driven by rising food prices, and is projected to remain high at around 12% in 2022.

Since 2018, Burundians have been exempted from entry visas to Serbia. Serbia has become a gateway for Burundians seeking to reach the Schengen area, with the Burundian community becoming the third-largest refugee community in Serbia behind the Afghans and Syrians. From 2018 to the present, more than 256,000 people have left Burundi, some of whom come from refugee camps in Uganda, Tanzania, and Rwanda. Young girls and women are raped by smugglers and security forces in countries through which they pass. One out of ten migrants die by crossing the borders throughout the forest and Danube river. The reception structures of Fedasil in Belgium are full, and all applicants, especially young people, have been without assistance for more than three months.

The migration of Burundians to other countries has caused leakage of human potential from the labor force and an economic deficit, as most of them have taken out loans from banks and microfinance. Inside Burundi, there is a phenomenal exodus, and the GDP is likely to decline significantly. To address the situation, emergency alternatives include protecting those who have already crossed the EU borders, diplomatic consultations with the Balkans gate (Serbia) to ask them to assume their responsibilities and temporarily stop the agreement with Burundian diplomacy, distributing migratory quotas into EU-countries to avoid concentration in one country, and providing an emergency fund for socio-economic resilience.



Meeting FRONTEX

with Luana Scarcella SOUTH team senior fundamental rights monitor at the office of the FRONTEX Fundamental Rights Officer & Ada Paprocka (AP) Fundamental Rights Office Warsaw



The Deputy Director for Operations was supposed to attend the session but was unable to do so. The aim of the presentation was to explain about:

1. The Frontex Agency; and
2. The role of Fundamental Rights Officers.

LS took over the South Team recently which deals with the joint operations in the South including western Balkans. AP - Is a member of South Team's legal drafting and training section.

Presentation by LS

Frontex is one of the agencies of the EU under the management of the Commission.

Frontex is an agency that supports Member States and controls the external borders of the EU by engaging in joint operations, rapid interventions, surveillance, and intelligence gathering.

Role of the Fundamental Rights Officer: The role of a Fundamental Rights Officer has been strengthened since the implementation of the 2019 Regulation - Article 109 and 110 of the Frontex Regulation¹.

¹The European Border and Coast Guard Agency (Frontex) is governed by Regulation (EU) 2019/1896 of 13 November 2019.

The Fundamental Rights Office is independent and autonomous. Meaning that the Fundamental Rights Officers do not report to the Deputy Director of Frontex.

The main activity of the Fundamental Rights Office is to monitor the activity of Frontex in the field to ensure that Frontex complies with Fundamental Rights.

The Fundamental Rights Office uses such tools as the (i) accountability mechanism; and (ii) the complaints mechanism.

Fundamental Rights Office conducts investigations and promotes the application of fundamental rights and organises training for Category 1² and Category 2³ standing corps pre deployment.

²The basic training programme for the European standing corps cat. 1 'The basic training ensures its members have the necessary competences to operate in a unitary manner in any particular operational area generating added value and fully respecting fundamental rights in all actions'.

³The Pre-Deployment Induction Training prepares participants in Frontex operations by providing them with a general awareness on the Frontex legal, organisational, and operational environment and procedures, safety and security, fundamental rights. An additional objective is to contribute to creating a common European Border and Coast Guard professional culture amongst the participants.



Complaints Mechanism:

Citizens may report Frontex violations in the context of Frontex operations.

This covers pushbacks at sea and on land. These are considered a serious violation of fundamental rights and should be reported.



The Fundamental Rights Office participates in operational briefings to ensure that Frontex is aware of fundamental rights in relation to a particular operation. LS asserted that this in turn strengthens their duty to report abuse.

The Fundamental Rights Office also has a consultative role - providing opinions and assessments in relation to operations in third countries.

In assessing the level of risk, which may be low, medium, high - in the context of Article 6 of the Frontex Regulation the Office of Fundamental Rights, may, depending on the level of risk request that Frontex to suspend its operations.

The risk assessment is compiled from monitoring a situation/operation or by receiving information from different organisations such as the United Nations.

What are the activities that the Fundamental Rights Office monitors?

The Fundamental Rights Office monitors activities such as migration, management, return operations and aerial surveillance, especially at sea. The Fundamental Rights Office SOUTH is particularly active in the central frontier areas of Greece, Spain borders with Romania.

A report goes to a Fundamental Rights Officer who makes an initial assessment prior to an investigation being launched.

An investigation is either led by a Fundamental Rights Officer or if the Frontex employee is assigned from a Member State to Frontex, a request may be made to that particular Member State to undertake an investigation and disciplinary measures.

After an investigation has been completed, a report is submitted detailing the findings of the investigation and recommendations to avoid further fundamental rights breaches in the future.

Any person can claim that a fundamental rights violation has been committed against him or her - this is usually done by a migrant.

Presentation by AP

AP stated that she cannot share too many operational details but there are numerous complaints originating from Greece

Poland: AP stated that in relation to Poland, the Fundamental Rights Office often receives complaints 'that they do not go to Poland' to monitor issues there. However, Frontex can only go somewhere at the invitation of a Member State. If a Member State invites Frontex, various agreements are then put in

place relating to the operation of Frontex on a Member State's territory.

Once Frontex is there, all mechanisms relating to the Fundamental Rights Office are put into play, that is, complaints etc can be made and investigated.

Frontex is always operating under the guidance of a Member State and in accordance with the agreements between Frontex and the Member State which set out the responsibilities of the operation. If a Frontex officer witnesses any violation of fundamental rights, there is an obligation on the Frontex officer to report these violations.

NB: EU can trigger a mechanism to impose Frontex on a Member State, but this has never been operationalized.

Responsibilities of Frontex can vary, Poland
- there are in fact some Frontex officers that help at the Polish Ukraine border crossing point, but their activities are limited to checking cars.

On the whole, there is a very low level of involvement from Frontex in Poland. However, the Fundamental Rights Office is very much concerned and follows the conduct and practises carried out at the borders in Poland where they consider 'serious issues' exist.

Greece - In Greece, there is a 'big operation'.

In Evros, Greece, Frontex Officers patrol with Greek officers - Poseidon operation⁴. In-land, Frontex Officers patrol the islands and the coastline. Frontex officers also engage in intelligence gathering from migrants such as smuggling routes, etc.

The Fundamental Rights Office also does a lot of monitoring in Greece and other countries on the Balkans route. The biggest concern in Greece relates to pushbacks and the treatment of migrants. Also concerned about trafficking - trying to collect as much information/data as possible in this regard.

⁴Operation Poseidon supports Greece with border surveillance. The operational area covers the Greek sea borders with Turkey and the Greek islands. Frontex supports Greece with almost 600 guest officers, who perform border surveillance, assist in the identification and registration of incoming migrants, as well as debriefing and screening. Operation Poseidon Sea is increasingly becoming a multipurpose operation covering a number of aspects of cross border crime including smuggling of illegal substances, weapons, detection of forged documents and many others. It also covers several coast guard functions such as search and rescue, detection of illegal fishing and maritime pollution (Source: Frontex Website).

However, the power of the Fundamental Rights Office to investigate is limited in a legal sense as it can only interrogate officers - ask questions & pass on requests to authorities and hope that they cooperate. The Fundamental Rights Office can also give advice as to what they think should be done from an operational perspective.

Romania and Moldova: Requested Frontex's presence.

The Frontex officers present in a Member State are called the Frontex Standing Corps. They may wear Frontex uniforms, officers who are seconded to Frontex by a Member State may wear national state uniforms and armbands with the Frontex logo on the armband.

Frontex Assets - These include cars, drones which may be supplemented by some assets which are lent by Member States - These assets usually have a Member States identification marked on them.

Executive Director

The executive director of Frontex has no power over Fundamental Rights Officers as they have to maintain their independence.

Fundamental rights officers map risk assessments and often 'stand next to Frontex officers, spend time with them and accompany them to assess the conduct of a particular operation'.

Q&A Session:

Q: Asked to explain the risk assessment procedure.

A: When talking about risk assessment, referring to a Fundamental Rights risk assessment. For example, AP stated that with regard to Poland, the Fundamental Rights Office would do a risk assessment focusing on fundamental rights but taking into account Polish law and EU law. The Fundamental Rights Office would assess which actions are in compliance with or not in compliance with fundamental rights in the context of national and EU law.

Withdrawal of FRONTEX - Frontex has the power to withdraw its operations from a Member State if their actions are extremely contrary to fundamental rights. For example, this happened in Hungary, and it's about to occur in Lithuania.

A risk assessment may also reveal that there is a need for more training to be provided regarding asylum or trafficking.

Q: Is there a situation where a push back is not a breach of fundamental rights?

A: AP said that this was a tricky question as there is no legal definition of push back. It's always necessary to look at the circumstances of a particular case. With regard to Poland and Lithuania, cases are very clear, their activities are contrary to EU law.

'The Executive Director decides, we advise'

Even though fundamental rights breaches occur, it may be difficult to get evidence. Sometimes the Office of Fundamental Rights can get access to footage or Frontex officers make complaints as well as individuals which brings certain violations to light.

Q: Explain the situation in Lithuania. Are you part of Frontex or not? Independent or not? What do you mean by intelligence gathering?

A: The Fundamental Rights Office is an independent agency, it is not controlled by the executive director of Frontex, even though the Fundamental Rights Office is part of Frontex. The Fundamental Rights Office is answerable to its management board which advises the executive director. The executive director of Frontex is not in charge of the management board. We have a separate budget, but part of the FRONTEX agency.

With regard to Lithuania, Frontex is withdrawing from certain types of activities such as withdrawing from patrols. However, Frontex is only partially withdrawing as it is remaining in Lithuania to assist in checking cars.

With regard to intelligence gathering, this relates to such crimes as smuggling - we require details of these networks.

Q: Is the Office Fundamental Rights still willing to work with the Greek Government even though they violate human rights law?

A: As mentioned above, disciplinary proceedings can take place against Frontex officers. At the moment, the EU and the Greek Government to have an agreement to maintain the presence of Frontex in Greece.

Q: Greek lawyers often try to attend registrations and debriefings, but they are never given access. Do you want lawyers to attend briefings?

A: AP Stated that personally she has no problem with Lawyers attending. However, with regards to debriefings, these are voluntary and the fundamental rights officer or Frontex are only trying to extract information about smuggling routes.

The questioner suggested that perhaps the Office of Fundamental Rights should do some advocacy with regards to the lawyers for the migrants attending registration and debriefings.

Q: What do you think about the Olaf Report? There is a huge mismatch between what you say and what you get from the Olaf report.

A: AP stated that the situation is difficult. She did suggest that it was not always the fault of Frontex officers, for example, in Greece, a Greek Border guard officer may tell the Frontex officer where to go, for example, to some remote part of the coast. Which removes the Frontex officers from situations where they could potentially witness Fundamental rights breaches.

The Office of Fundamental Rights reminds officers of their reporting obligations. Sometimes there is disagreements and it difficult to obtain information. However, the Office of Fundamental Rights has the opportunity to obtain information through the Regulation, which the Office of Fundamental Rights sometimes does. In AP's experience, after 18 months in the role, they are getting so much more information as Monitors are going into the field. Although, AP agreed that it's impossible to know about all the incidents.

Q: What are the consequences of the planned budgeting proposals for the Office of Fundamental Rights given that Frontex is growing? Frontex cannot get into a country without a Member State's invitation, so isn't your mandate is undermined?

A: Frontex is growing. However, so is the Office of Fundamental Rights. The 2019 regulation allows for additional employees, now there are 65 Monitors in total with around 25 to 26 in training or in the process of being recruited.

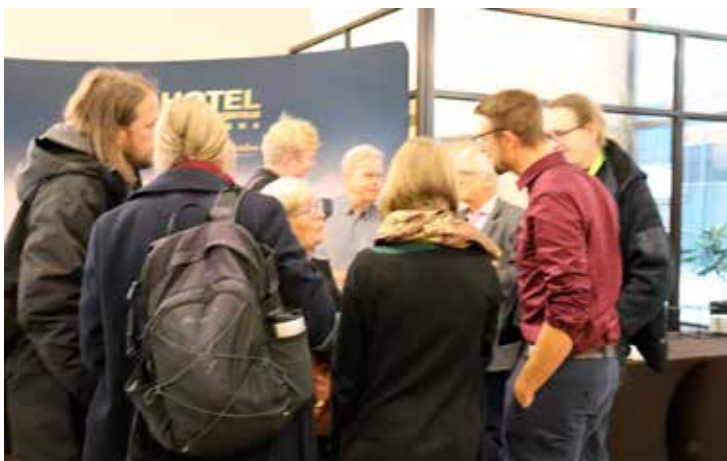
The Officer Fundamental Rights mandate is potentially limited by being only allowed on a Member States territory if Frontex is invited. However, there is the provision in the Regulation whereby Frontex can be imposed on a Member State, however, as noted earlier this provision in the Regulation has not been used.

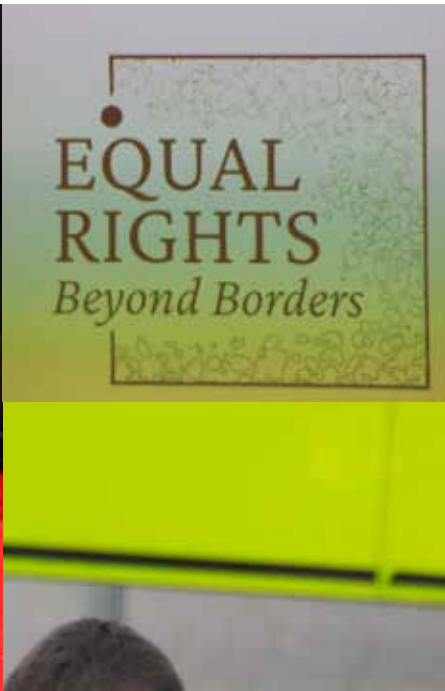
Finally – Dr. Torsten Moritz - noted that the Frontex budget has increased enormously, and this has been done without sufficient parliamentary scrutiny.



Plenary Discussion: Outcome of the conference Future of Asylum in Poland and Europe

How the year 2022 changed us as society, as churches and on the political level? Where do we want to go? Impulse: Ryszard Bobrowicz, Lund University





When? Poem by Rev. Jack Amick



When?

When you knock at my door
or wait at my garden gate,
will I come running out to greet you?
Will I hug you and cook your favorite meal?

... Or will I call the police,
tell you to keep moving,
or only offer you left-overs?

Will I welcome you as my son,
even if you look absolutely nothing
like my mother or grandmother?

...Or will I make you prove yourself over years
that you belong in my heart
and are part of the tears
I have been withholding forever?

When you sit at my kitchen table
and tell me everything you have now learned
on a journey I would never take
and to which I cannot relate,
will I let you tell
your stories of salvation and tales of
transformation
and delight in the uniqueness
you have become?
Will I let you be you?

...Or will I make it my mission
to change you into something
you cannot become?

When you come with pain into my parlor,
having fallen in the forest,
or having been parched at sea,
or still suffering from stuff I cannot see,
will I open my eyes to your wounds
and grant you the space for grace
and lend you my hope for healing?

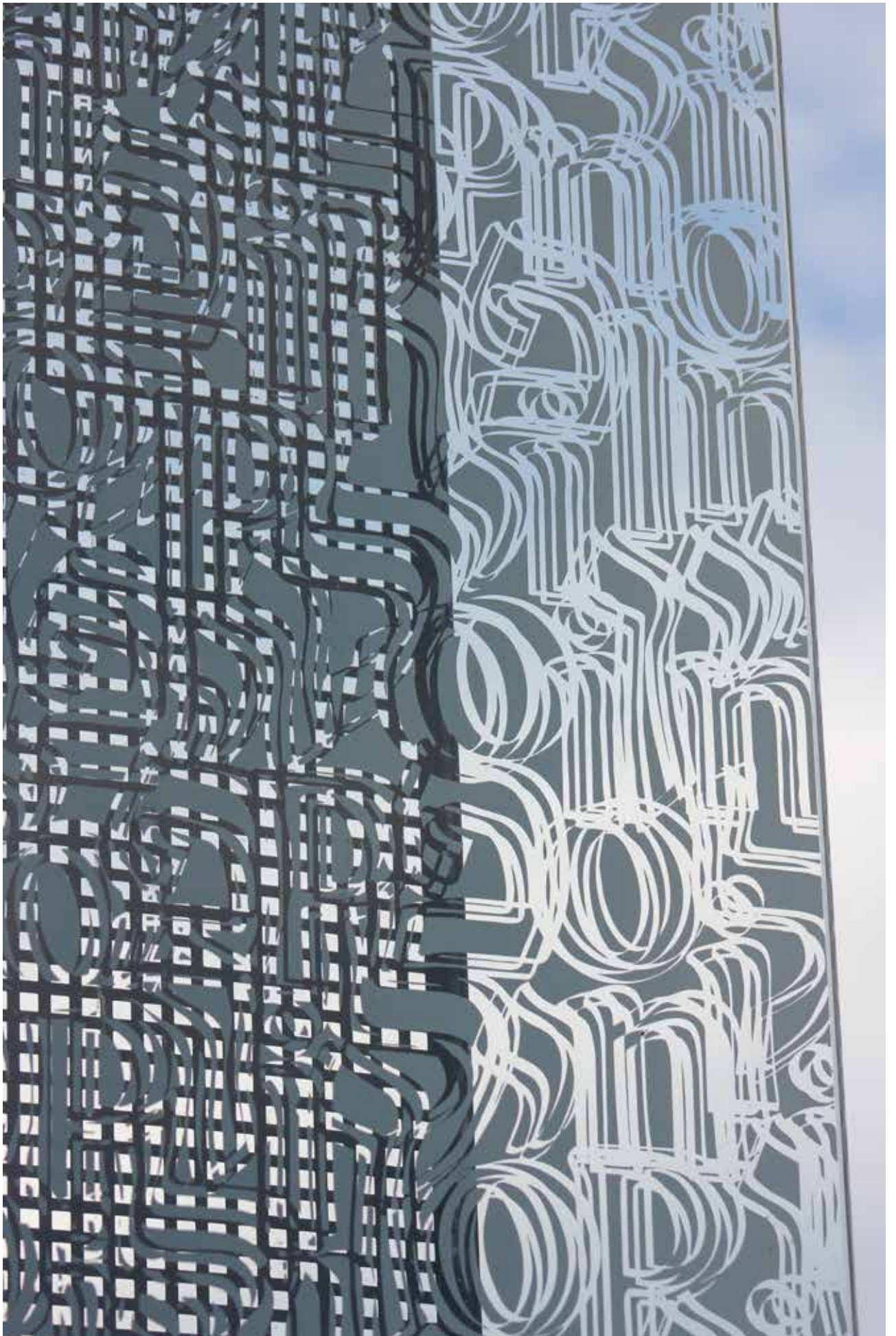
...Or will I blame you for all
that is awful,
and refuse to admit that
frontiers aren't always fair,
borders don't always ban only the bad,
and judges don't always rule with the good?

When, in due course, I notice
your willingness to work,
your curiosity for conversation
and your ability to achieve,
will I celebrate your success,
delight in your dreams
and invest deeply in your ideas?

...Or will the fear of foreigners
grow within my mind
like an incurable cancer
or a paralyzing pandemic?

When you show up in my life
in a way that is strange and exciting and a
little scary,
may I remember the kin-dom
to which I pledge my true allegiance.
May I recognize the already and not yet,
before it is too late.
May I listen to the alternate views of angels.
May I hear the notes of divine harmony in
human diversity,
May I look for saints in strangers.
May I watch for prophets who have been
pushed back.
May I see the mother of god in every
pregnant refugee.
May I truly welcome the stranger with all of
my being.

When, Lord, when?
When will I see you?



Polin - Museum of the History of Polish Jews in Warsaw

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Layout and Production

von Loeper Literaturverlag im Ariadne Buchdienst

Thanks for editorial contributions to:

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Pictures were contributed by:

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Special thanks to:

We are very grateful to the Polish Ecumenical Council and the Evangelical Lutheran Church of the Augsburg Confession for their splendid support in organizing this conference, especially Agnieszka Godfrejów-Tarnogórska, Weronika Kluza, Michał Dmitruk and last but not least Rev. Grzegorz Giemza. Your contribution to the Agenda and your help with all the logistics was indispensable.

We also thank Rafael Nikodemus, Evangelical Church in the Rhineland, and Ansgar Gilster, Evangelical Church in Germany, for their generous support and Yasmina Rishmawi, CCME, for her effort to put this documentation together.

With the kind support of:

Evangelical Church in Germany
Evangelical Church in the Rhineland
Diakonie Deutschland
Bundesministerium für Familie, Senioren, Frauen und Jugend





EKD Evangelische Kirche
in Deutschland



Diakonie 
Deutschland

This report was sponsored by



Bundesministerium
für Familie, Senioren, Frauen
und Jugend