



## **The situation of Chechen refugees in Poland.**

### **Human rights issues**

**A report by the Society for Threatened Peoples**

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Text: Jenia Waschewko

Editors: Tilman Zülch, Sarah Reinke, Judith Kunze

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## Introduction

The Dublin II Regulation of 2003 provides a new legal instrument for regulating asylum procedures within the European Union. Though the Regulation was initially developed to establish an effective common strategy of immigration policy among the EU States, it has produced a number of unintended problems. Many of these problems arise from a complicated constellation of the sense of responsibility EU States have toward refugees, the desire to present themselves as good actors at the international level, as well as a concern over their national political interests.

In particular, EU Border States such as Poland, Greece and Malta are affected by the implementation of the Dublin II Regulation. This report from the Society for Threatened Peoples is intended to raise awareness and discuss the issue of asylum seekers in Poland. It is motivated by the numerous reports that have been released in recent years regarding the unacceptable situation of medical care, legal status, and other fundamental problems the refugees there are facing.

Since entering the EU in 2004 Poland faces a major challenge to both ensure adequate support for a large number of asylum seekers and carry out their asylum procedures quickly. Asylum seekers from the North Caucasus, similar to other refugees, abandon their homes because of armed conflicts, human rights violations, or because the experience of torture and kidnapping make them fear for their lives and their freedom. They come to Europe in search of a dignified and protected life and hope to provide a future free from fear for their children.

This report aims to improve the status of Chechen refugees by drawing the attention of the international community and responsible decision makers at all levels to their current situation. The following text provides information on entry, reception, living conditions, legal status and prospects of asylum seekers from Chechnya. It should serve to describe the current situation of this specific refugee group and to highlight an urgent need for action.

## Fleeing from human rights violations in Chechnya to the European Union

In most cases Chechen asylum seekers flee to Poland through the EU's eastern borders with the Republic of Belarus and the Ukraine. Often they have no permission to enter Poland. This means that the application for asylum is submitted at the border checkpoint.

Chechen asylum seekers cover a distance of almost 3,000 km traveling through Russia and Belarus to get to Poland. In Brest, the border point of Belarus to Poland, they often fall prey to "experienced smugglers" who promise a safe crossing of the border in exchange for money.

Asylum applications are submitted to the Polish Border Agency, which works with FRONTEX, the EU agency for external border security. Border guards obtain the applicants information including the name, identity, country of origin, and reasons for seeking a refugee status. They take photographs and fingerprints of the asylum seekers. The EU-wide fingerprint database EURODAC, which was implemented in 2000, aims to facilitate the application of the Dublin II Regulation. This system for storing and comparing fingerprints of asylum seekers is supposed

to prevent the submission of multiple applications for asylum in the EU. This means that asylum seekers are denied the opportunity to apply for the refugee status in the EU country of their choice where, for example, their family members live or their diseases can be appropriately treated. Border guards then inform the asylum seekers about their rights, duties and other vital information regarding the asylum process in their native language, viz. Russian or Chechen. It is undeniable, however, that many psychological factors prevent the processing of this information by the asylum seeker: trauma after war experiences and possible torture, stress of fleeing, uncertainty and fear of the future, but also fear of authorities or of saying something which could worsen their status or the situation of their family members in Chechnya<sup>1</sup>. The vast amount of new information and the complexity of the EU asylum system make understanding even more difficult.

### **Difficult living conditions and instable situation after the application**

During the asylum procedure, asylum seekers are housed in reception or detention centers, or may sometimes be accommodated for outside of a center. The majority of asylum seekers stay in reception centers. In October 2010 there were 20 reception centers (open), five detention centers (closed) and 14 deportation facilities. In November 2010, three reception centers in Łomża, Bytom and Radom were closed<sup>2</sup>.

The stay in a detention or in a deportation center, which are managed by police or border guards, should not exceed twelve months. According to some non-governmental organizations (NGOs) active in the field of asylum and immigration in Poland, the conditions in the centers are severe: confinement in cells, separation of men and women, also of families, limited opportunities to move outdoors, limited community and recreational activities, lack of sanitation, etc. Often there are no playgrounds or game rooms for children and no learning materials. The personnel problem in the centers is of particular concern: insufficient number of employees with appropriate language skills, not enough social workers, general lack of specialist doctors, including psychologists and psychotherapists<sup>3</sup>.

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<sup>1</sup> ECRE Refugee Stories, 2006: [www.ecre.org/refugeestories](http://www.ecre.org/refugeestories). Cf.: ECRE Guidelines on the treatment of Chechen internally displaced persons (IDPS), asylum seekers & refugees in Europe, March 2007, p. 19.

<sup>2</sup> "Refugee Center in Łomża is Closing", October 27, 2010: <http://www.waynakh.com/eng/2010/10/refugee-center-in-lomza-is-closing/> and [http://bialystok.gazeta.pl/bialystok/1,35241,8573563,Zamkniecie\\_osrodka\\_dla\\_uchodzcow\\_w\\_Lomzy.html](http://bialystok.gazeta.pl/bialystok/1,35241,8573563,Zamkniecie_osrodka_dla_uchodzcow_w_Lomzy.html) (accessed October 27, 2010); "Another Refugee Center is Closing in Poland", October 2010: <http://www.waynakh.com/eng/2010/10/another-refugee-center-is-closing-in-poland/> and [http://katowice.gazeta.pl/katowice/1,35063,8587770,Czeczeni\\_wyrzuceni\\_przez\\_nieogrodzony\\_plac\\_zabaw.html](http://katowice.gazeta.pl/katowice/1,35063,8587770,Czeczeni_wyrzuceni_przez_nieogrodzony_plac_zabaw.html) (accessed October 31, 2010); "Another Refugee Center Closed in Poland", November 16, 2010: <http://www.waynakh.com/eng/2010/11/another-refugee-center-closed-in-poland/> and <http://www.echodnia.eu/apps/pbcs.dll/article?AID=%2F20101110%2FPOWIAT0206%2F846974111> (accessed November 16, 2010).

<sup>3</sup> Cf. Kreissl-Dörfler, Wolfgang. Entwurf eines Berichts des Ausschusses für bürgerliche Freiheiten, Justiz und Inneres über den Besuch in Polen. European Parliament, 2009, p. 10f., 16f.: [http://www.europarl.europa.eu/meetdocs/2004\\_2009/documents/dv/732/732439/732439de.pdf](http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/732/732439/732439de.pdf) (in German, accessed October 10, 2010).

Moreover, there is no state system of legal assistance in Poland. That is why the asylum seekers both in detention as well as in reception centers have no access to public legal assistance. The few NGOs involved cannot fully cover the needs<sup>4</sup>.

Reception centers are managed by the Bureau of Organization of Centres for Aliens Applying for Refugee Status or Asylum<sup>5</sup>. The number of social workers at these centers is also insufficient. Inadequate medical treatment, lack of psychosocial support, and poor hygienic conditions are shaping the everyday life of asylum seekers. In its report of 2009<sup>6</sup>, the Fundacja Międzynarodowa Inicjatywa Humanitarna (Foundation for International Humanitarian Initiative) mentions six areas where the access to adequate health care is limited for asylum seekers:

1. Language and cultural barriers substantially limit the quality and understanding of the medical aid and cause asylum seekers great stress. It was found that the treatment of patients from other cultures is not provided for in Poland's training for medical professionals. Other NGOs also point out that although all children in reception centers have access to the Polish education system, there are no measures to facilitate the integration of foreign children.
2. Lack of available alternatives in selecting a general practitioner or a specialist doctor.
3. Lack of possibility and right to home visitation by a doctor. This also affects children and newborn babies. Access to the medical emergency aid is also limited: only the center personnel who first assess the state of the patient themselves can call an ambulance.
4. Psychological and psychiatric assistance do not meet existent needs. There were only five psychologists available for 20 reception centers. The treatment of asylum seekers with traumatic experiences, of torture victims and victims of violence is particularly poor. The majority of asylum-seeking Chechens, particularly women, are affected by posttraumatic stress disorder (PTSD). An appropriate treatment of patients suffering from PTSD requires both adequate training and good knowledge of the patients' mother tongue. These conditions are not met by the Polish psychologists and psychiatrists in centers. In addition, the living conditions and lack of adequate treatment evoke further trauma and depression.
5. Inadequate medical care for children, no care for newborns and babies, no screening programs for children in asylum procedures, lack of vaccination programs etc.

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<sup>4</sup> Cf. Ibid. P. 9, 11, 22.

<sup>5</sup> Cf. [http://www.udsc.gov.pl/A\\_GUIDE\\_ON\\_BUREAU\\_OF\\_ORGANIZATION\\_OF\\_CENTRES\\_FOR\\_ALIENS\\_APPLYING\\_FOR\\_REFUGEE\\_STATUS\\_OR\\_ASYLUM\\_267.html](http://www.udsc.gov.pl/A_GUIDE_ON_BUREAU_OF_ORGANIZATION_OF_CENTRES_FOR_ALIENS_APPLYING_FOR_REFUGEE_STATUS_OR_ASYLUM_267.html) (accessed November 2, 2010).

<sup>6</sup> Fundacja Międzynarodowa Inicjatywa Humanitarna (International Humanitarian Initiative Foundation): The Access to Medical and Psychological Assistance of Pregnant Women, Mothers, Children & War Trauma in the Centers for Aliens Applying for Refugee Status or Asylum in Poland, Warsaw, 2009, p. 11-13. In German, translated from Russian by Ksenia Yakovleva, Zentrum für Flüchtlingshilfen und Migrationsdienste, Berlin.

[http://www.mih.ihif.eu/sites/mih.ihif.eu/files/FORMULARZE/raport\\_monitoring\\_opieki\\_medycznej\\_i\\_psychologicznej\\_nad\\_matkami\\_i\\_dziecmi.pdf](http://www.mih.ihif.eu/sites/mih.ihif.eu/files/FORMULARZE/raport_monitoring_opieki_medycznej_i_psychologicznej_nad_matkami_i_dziecmi.pdf) (accessed October 10, 2010).

6. Inadequate organization of epistemological investigations and insufficient help in the treatment and prevention of infectious diseases. In this area, deficiencies in personnel, facilities and their equipment were found.

The catering for asylum seekers is determined by the Bureau of Organization of Centres for Aliens Applying for Refugee Status or Asylum as follows: Except for three fixed daily meals in the cafeteria each person gets 70 PLN a month (about 18 €) and a daily food subsidy of 9 PLN for each child. In addition, travel expenses for necessary trips are covered by the authorities as well as school supplies for children<sup>7</sup>. NGOs demand that asylum seekers in reception centers have the opportunity to choose the art of catering they receive themselves: in the form of money or of meals provided by the centers<sup>8</sup>.

## Desired decisions for the refugee status

The granting or refusal of the refugee status must be decided within six months from the application date. A notice of objection should be provided within 20 days if the application is deemed manifestly unfounded. Appeals should be examined within a month.

## Depressing Statistics

According to statistics from UNHCR<sup>9</sup>, EUROSTAT<sup>10</sup> and the Polish Office for Foreigners<sup>11</sup>, the rates of recognition of refugee status in Poland have fallen in recent years. In spite of the difference between the figures provided by the authorities, a general trend is recognizable. The analysis in the next sections is based on statistical data from the Polish Office for Foreigners, which are slightly less positive than the data collected by other organizations.

While **423** asylum seekers were granted refugee status and **2,048** given tolerated stay in **2006**, there were only **116** positive decisions on refugee status and more verdicts on tolerated stay in the first instance (in **2,876 cases**) in **2007**<sup>12</sup>. In 2007, when the current head of Chechnya

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<sup>7</sup> A Guide On Bureau Of Organization Of Centres For Aliens Applying For Refugee Status Or Asylum, Office for Foreigners, The Bureau of Organization of Centres for Foreigners Applying for Refugee Status or Asylum (BOO): <http://www.udsc.gov.pl/A,GUIDE,ON,BUREAU,OF,ORGANIZATION,OF,CENTRES,FOR,ALIENS,APPLYING,FOR,REFUGEE,STATUS,OR,ASYLUM,267.html> (accessed October 11, 2010).

<sup>8</sup> Fundacja Miedzynarodowa Inicjatywa Humanitarna (International Humanitarian Initiative Foundation): The Access to Medical and Psychological Assistance of Pregnant Women, Mothers, Children & War Trauma in the Centers for Aliens Applying for Refugee Status or Asylum in Poland, Warsaw, 2009, p. 11-13. In German, translated from Russian by Ksenia Yakovleva, Zentrum für Flüchtlingshilfen und Migrationsdienste, Berlin. [http://www.mih.ihif.eu/sites/mih.ihif.eu/files/FORMULARZE/raport\\_monitoring\\_opieki\\_medycznej\\_i\\_psychologicznej\\_nad\\_matkami\\_i\\_dziecmi.pdf](http://www.mih.ihif.eu/sites/mih.ihif.eu/files/FORMULARZE/raport_monitoring_opieki_medycznej_i_psychologicznej_nad_matkami_i_dziecmi.pdf) (accessed October 10, 2010).

<sup>9</sup> UNHCR, Regional Representation for Central Europe. Facts and Figures, Asylum Trends in Central Europe, 2007/2009, 2006-2008, 2005-2007: <http://www.unhcr-budapest.org/index.php/basic-facts> (accessed October 11, 2010).

<sup>10</sup> EUROSTAT. European Commission: <http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat/home/> (accessed October 20, 2010).

<sup>11</sup> Polish Office for Foreigners. Statistics, Yearly statistics: <http://www.udsc.gov.pl/Zestawienia.roczne.233.html> (accessed October 1, 2010).

<sup>12</sup> UNHCR figures for the year 2007: 212 cases of granting of the refugee status and almost the same rate of the granted tolerated stay: 2.919: <http://www.unhcr->

Ramzan Kadyrov came to power, 92% of all the asylum seekers in Poland were refugees from Russia.

In **2008** there were 8,517 applications for asylum in Poland, 91% of them came from Russian citizens. With 4,221 verdicts totally this year, the rate of positive decisions (refugee status or tolerated stay) was almost the highest in the entire EU (65.5%, **2,767 positive decisions**). The rate of granting **refugee status** under the Geneva Convention was very low this year, 4.4%. This means only **186 decisions**, and almost 70 % of them were granted Russian citizens.

It is important to mention that the refugee protection system in Poland changed in March 2008. The new rules resulted in the option of "supplementary protection" for asylum seekers, instead of subsidiary protection, along with the ability of receiving protection for humanitarian reasons. The laws on granting "tolerated stay" remained unchanged<sup>13 14 15</sup>. In 2008, **1,074** asylum seekers received **supplementary protection** and **1,507** were granted **tolerated stay**. Of all the cases 98.4% and 98.6% correspondingly were refugees from Russia.

In 2009, a significant reduction of positive decisions can be seen in Poland. **The rejection rate** of asylum applications **increased to 61.7%** and among all positive decisions there were only **136** people to whom refugee status was granted. Again, the asylum seekers with Russian citizenship made up the majority (69.4%) of all the cases. Only 2.2% of them were granted refugee status, nearly half (49.7%) received supplementary protection and almost as many (47%) gained no protection at all. The rate of tolerated stay granted to nationals of the Russian Federation was 1%.

In the first half of **2010**, **the percentage of refusals further increased to 86.3%** (in first and second instances). Of **226** positive decisions, only **48** cases were actually granted refugee status, which amounts to a mere 1.9% of all decisions. Once again, refugees from Russia were the largest group of asylum seekers, totaling 69%. In this group **the rate of rejections was 83.2%**.

The following conclusions on the development of asylum policy in recent years in Poland can be drawn from the above mentioned statistics:

- In 2006, there was the highest number of asylum seekers granted refugee status under the Geneva Convention. Since then the rate has declined by more than three times and has never exceeded 200 (according to the Polish Office for Foreigners).

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[budapest.org/images/stories/news/docs/01\\_Facts%20and%20Figures/2009stats\\_provisional.pdf](http://budapest.org/images/stories/news/docs/01_Facts%20and%20Figures/2009stats_provisional.pdf) (accessed October 20, 2010).

<sup>13</sup> UNHCR, Immigration and Refugee Board of Canada, Poland: Follow-up to ZZZ102893; Government of Poland's response to questions regarding residency rights, October 15, 2010:

<http://www.unhcr.org/refworld/type.QUERYRESPONSE.IRBC.POL.49b92b281d,0.html> (accessed October 30, 2010).

<sup>14</sup> Ustawa o zmianie ustawy o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej oraz niektórych innych ustaw, March 18, 2010: <http://lex.pl/serwis/du/2008/0416.htm> (in Polish, accessed October 30, 2010).

<sup>15</sup> Refugee Status. In: UDSC Brochure. Information of the Office for Foreigners, 2009:

[http://www.udsc.gov.pl/files/documenty/Urzed\\_ds\\_udzoziemcow\\_en.pdf](http://www.udsc.gov.pl/files/documenty/Urzed_ds_udzoziemcow_en.pdf) (accessed October 30, 2010).



- In 2007, the Polish state increased the rate of tolerated stay granted to asylum seekers. Though this theoretically was a trend to increase the rate of positive decisions, in reality it means a significant decline in status and actually only postpones problems to a later date.
- Since 2008, the new "supplementary protection" institution is being actively used as a form of protection, replacing tolerated stay. This is, of course, a positive development.
- Since 2009, however, the rate of refusal of any kind of protection has risen sharply. This gives the impression that the Polish state no longer wants to protect refugees and/or that the Polish asylum system is overstrained with the high numbers of refugees. The rejection of asylum applications from the refugees of Chechen origin is officially linked with the end of the Second Chechen War in April 2009. The escape from imminent arrest, abuses, torture and other human rights violations mentioned by numerous NGOs and international institutions (like the European Parliament) are barely taken into account<sup>16</sup>.

### **Refugee status under the Geneva Convention and "supplementary protection"**

The granting of refugee status under the Geneva Convention ensures refugees the same rights to social services and integration programs in Poland as foreigners with residence permits. They may participate in a one-year Individual Integration Program (IIP), which provides a monthly financial assistance, health insurance, a Polish language course, social counseling, special psychological help, help with housing search, registration with an employment agency and job seeking as well as other services. Since 2008, those people who are granted "supplementary protection" enjoy the same rights.

Many observers point out that the implementation of the integration program works poorly, primarily because relevant institutions are not well prepared and the staff working there is inadequately trained to work with people from other cultures. The Polish Ministry of Labor and Social Policy further reported problems that hinder the successful integration of refugees, these included the short duration of the integration programs, insufficient cooperation between organizations involved in the integration process, a shortage of housing, and general lack of knowledge about refugees in the Polish society, in particular on those of Chechen origin<sup>17</sup>. The claimed lack of motivation to integrate and insufficient learning of the Polish language on the side of the refugees is connected with the perception of Poland as a transit country and the desire to ultimately settle in another country, such as Belgium, Germany or France.

NGOs describe a dramatic housing situation for refugees in Poland. After a person is granted the refugee or the supplementary protection status s/he is forced to leave the reception center

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<sup>16</sup> European Parliament resolution of 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov:  
<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0390&format=XML&language=EN>  
 (accessed October 25, 2010).

<sup>17</sup> Babis, Paulina. Integration of immigrants in Poland. Ministry of Labor and Social Policy. Department of Social Assistance and Integration, 2008: [http://www.slovo21.cz/prilohy/PaulinBabis\\_Integration\\_of\\_immigrants\\_in\\_Poland-ost.pdf](http://www.slovo21.cz/prilohy/PaulinBabis_Integration_of_immigrants_in_Poland-ost.pdf) (accessed October 25, 2010).



within two months. It is, however, extremely difficult for a refugee to acquire affordable housing confronted with a shortage of any available financial assistance as well as hostility and prejudice from the local population. Mass media report assaults and racist attacks against refugees, which dispirit the center residents<sup>18</sup>. Furthermore, there are numerous reports that the Russian secret service and ally of the Chechen President Kadyrov put pressure on refugees in Poland. For example, in connection with the court case against the murderer of Umar Israilov in Vienna, there were reports that Kadyrov's agent in Austria and Germany was ordered to spy on and frighten refugees<sup>19</sup>.

Most reception centers are located in small cities in poor regions of Poland with high unemployment rates. This presents foreigners with added difficulties to quick and successful integration into the Polish society. The difficulty of finding employment and affordable housing put the people in a precarious and hopeless situation in the country from which they seek protection and security.

### Tolerated stay

Tolerated stay is granted asylum seekers in Poland if they, according to Polish authorities, do not meet the conditions for receiving refugee status, but at the same time cannot be deported because their lives and freedom are threatened in their country of origin. Persons with this status receive a one-year residence permit which is to be renewed each year. It is alarming that people with the tolerated stay status may not continue to live in communal residences. In contrast to recognized refugees and persons under the supplementary protection they receive even less social assistance. The social assistance that is provided includes accommodation, food, clothing and "certain necessary money payments"<sup>20</sup>, which are very low<sup>21</sup>. In reality, people who are granted 'tolerated stay' are often left to fend for themselves. Without any integration programs a fast entry into the labor market is nearly impossible for them. Due to low financial

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<sup>18</sup> Cf. Does Poland Safe Refuge No More? April 17, 2010: <http://www.waynakh.com/eng/2010/04/does-poland-safe-refuge-no-more/> (accessed November 03, 2010), Refugee Center in Łomża is Closing, October 27, 2010: <http://www.waynakh.com/eng/2010/10/refugee-center-in-lomza-is-closing/> (accessed November 03, 2010), Poland Closing Refugee Centers, October 01, 2010: <http://www.waynakh.com/eng/2010/10/poland-closing-refugee-centers/> (accessed November 03, 2010), Graffiti: "Poland for the Poles!", April 27, 2010: <http://www.waynakh.com/eng/2010/04/graffiti-poland-for-the-poles/> (accessed November 03, 2010), New Racist Attack to Chechens in Poland <http://www.waynakh.com/eng/2009/09/new-racist-attack-to-chechens-in-poland/> (accessed November 03, 2010), Klimowicz, Joanna. Zasił nienawiść, September 30, 2009: [http://wyborcza.pl/1,76842,7093391,Zasił\\_nienawisc.html](http://wyborcza.pl/1,76842,7093391,Zasił_nienawisc.html) (in Polish, accessed November 03, 2010), Sokólska, Ewa. To poseł rozpetał wojnę? [http://wyborcza.pl/1,76842,7089368,To\\_posel\\_rozpetal\\_wojne\\_.html](http://wyborcza.pl/1,76842,7089368,To_posel_rozpetal_wojne_.html) (in Polish, accessed November 03, 2010) etc.

<sup>19</sup> Berg, Stefan. Präsident mit Pistole. Der Spiegel 46 / 2010. P. 118f. (In German).

<sup>20</sup> Art. 5, item 2 of the Act on Social Assistance of March 12, 2004, Poland: <http://www.mpips.gov.pl/download.php?f=userfiles%2FFile%2FDepartament+Pomocy+Spolecznej%2FAkty+prawne%2Fpomoc+spoleczna+D.+U.+z+2008+r+nr115+poz.728.pdf> (in Polish, accessed November 03, 2010).

<sup>21</sup> Landesbericht Polen. Asyl Coordination Austria: [http://www.asyl.at/projekte/icf\\_polen.pdf](http://www.asyl.at/projekte/icf_polen.pdf) (in German, accessed November 03, 2010).

support large families are forced to live in small apartments or even share a small apartment with other families.

Although the decision on the status of an asylum seeker and his family should be taken within six months<sup>22</sup>, it is not rare when the asylum seekers are forced to wait longer than two years for their decision<sup>23</sup>. A life full of hope, despair and fear of being deported back to Russia, in a small room of a reception center puts these already psychologically traumatized and frightened people in an even more depressing situation. In their desperate state they yearn for any possibilities to take their destiny back into their own hands and are looking for a decent and free life with better prospects in other EU countries.

### **Little chance of effective protection by the Dublin II Regulation**

The hopelessness in the labor market, the loss of life perspectives, the marginal position of this migrant group in Polish society, hostility and prejudice the refugees face there, and an often uncertain residence status are all factors that force many asylum seekers and refugees from Chechnya to move on to other EU countries. There they hope for more protection, available assistance and for better opportunities in life for themselves and their children.

Sometimes, asylum seekers go on to other EU countries just a few days after their arrival in Poland. As they are being housed in a reception center, they are starting to look for appropriate ways to continue on to a different country, say, Germany. In other cases, the decision could also fall out of desperation when the asylum proceedings drag on for years and steal the hope for a positive decision from these place-bound people.

If one is not well-versed in Europe, generally and geographically, not able to speak English or Polish, or feeling lost in a new and completely different country with a large family, one is again dependent on smugglers who charge people for bringing them to Germany, France or Belgium. It happens that these "helpers" cheat the people who are dependent on them and drop them off somewhere in Poland, with the assertion that they were in Berlin or even in the Paris suburbs. Then the discouraged people come back to Polish reception centers and start from the beginning, gathering courage and saving money to pay the next smugglers.

For those whose entry into Germany was successful, the search for decent protection begins again. The excessively bureaucratic asylum procedure and the constant uncertainty and fear of a return accompany their stay in a refugee camp and other accommodations in Germany. These factors bring new traumata to asylum seekers who often have fled from torture, fear of death, and other life hazards. The uncertainty of the situation in which these Chechen refugees in Germany live, with the continuous fear of being deported suddenly in the night and the uncertainty about their fate and future, shape the daily life of these psychologically exhausted people.

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<sup>22</sup> Office for Foreigners, Poland, Procedure For Granting The Refugee Status: <http://www.udsc.gov.pl/PROCEDURE.FOR.GRANTING.THE.REFUGEE.STATUS.266.html> (accessed November 04, 2010).

<sup>23</sup> Cf. The story of the journalist Ali in the documentary "Kein Ort" of Kerstin Nickig: <http://www.nowhere-in-europe.eu>.

Asylum applications from these refugees registered in Germany are Dublin II cases. This means that the German Federal Office for Migration and Refugees (BAMF) seeks Poland as the responsible EU country to carry out the application procedure for these refugees.

Surrounded by EU states, Germany is rarely the first entry state for refugees. That means that Germany significantly benefits from the Dublin II system by pushing the worldwide problem of refugee protection on other EU countries. By following the existing laws and regulations it shows itself indifferent to the reality of the individual fates of these peoples.

However, behind every case lies a real human in a turning point of his life, with his personal tragedy, almost exhausted, but still with hope for justice. The return to Poland means that asylum seekers would be housed in a detention center for violating rules of residence during the asylum procedure. The chance that they will be granted a protection status or at least a tolerated stay there is very low. Asylum seekers are exposed to the risk of the deportation back to Russia, the country from which they fled and where their lives and/or freedom are threatened.

Currently, the common asylum policy of EU countries and in particular the Dublin II system is designed in a way that pushes asylum seekers from the inner area of the EU to its external borders and from there back to their home country. Thus, the drastic form of the bureaucratic asylum system is aimed to make the EU's borders impermeable to refugees.

EU borders are monitored by the border agency FRONTEX with headquarters in Warsaw. Often it takes the responsibility of a Member State to decide which people are allowed to enter the EU and which are not. When an EU Member State does nothing, it supports the system of inhumane handling of people in favor of its own advantage<sup>24</sup>. The campaign against illegal migration negatively affects the implementation of the system of effective protection for people who really need it. EU countries, especially Germany, as a country "happily" surrounded by other EU states, benefit from this system of organized irresponsibility at the expense of people in need. Financial resources that FRONTEX receives from the EU for new operations should not be employed to construct the "Fortress Europe", but to improve and further develop the refugee and migration policy of the European Union.

## Conclusion

**In summary** it can be said that protection is denied to more and more asylum seekers in Poland. Only a small number of asylum seekers in Poland receive refugee status. Although state integration programs are available, they are characterized as insufficient. The refugees in the country face prejudice and hostility towards Chechens and "Russians" from the Polish

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<sup>24</sup> Cf. „A Joint Position on the Current Status of Harmonisation of European Refugee Law. Arbeiterwohlfahrt Bundesverband e.V. (workers' welfare association), Deutscher AnwaltVerein (German association of asylum lawyers), Caritas Germany, German Paritätische Welfare Association, German Red Cross, Neue Richtervereinigung (new association of judges), Diakonisches Werk (Protestant social service agency), PRO ASYL, national working group for refugees", June 30, 2009: [http://www.proasyl.de/fileadmin/fm-dam/r\\_ENGLISCH/Joint\\_Position\\_EU\\_Regufee\\_Law\\_German\\_NGOs\\_2009.pdf](http://www.proasyl.de/fileadmin/fm-dam/r_ENGLISCH/Joint_Position_EU_Regufee_Law_German_NGOs_2009.pdf) (accessed November 01, 2010).

community. Confronted with this situation, asylum seekers are looking for ways to build a decent life for themselves and their families, sometimes by moving on to other EU countries like Germany.

The rules of the EU asylum system do not let refugees settle in a peaceful society and destroy the hope for protection and justice. In practice, the Dublin II system and asylum policies of the EU Member States are aimed primarily to combat illegal migration and protect the well being of EU citizens. Despite the declared values of justice and non-discrimination, people in need are not cared for.

### **Demands of the Society for Threatened Peoples to the EU Member States relating to the European asylum policy and the Dublin II system**

- To guarantee access to fair asylum procedures for refugees from Chechnya in the EU;
- Chechens who have not been granted refugee or other international protection should obtain a legal status that guarantees the protection of their human rights and a decent standard of living;
- To reform the Dublin II Regulation, not only superficially, but in its fundamental principles. Today, the system fails to provide adequate protection for people fleeing from persecution, and is in conflict with ethical and humanitarian commitments of the EU Member States;
- To suspend the return of Chechen refugees according to the Dublin II regulations to other EU Member States when fair and efficient asylum procedures cannot be guaranteed there;
- If an asylum seeker is dependent on the help of family members, for a serious illness or mental disorders, disability, pregnancy or old age etc., the family should not be returned to the responsible EU Member State (according to the Dublin II Regulation), if medical care is not adequately provided there. The Chechen refugees, who often need treatment for post-traumatic stress disorder (PTSD) cannot get medically necessary treatment in Poland;
- To prevent the people are brought into custody in order to force them 'voluntary' leave the country;
- To deny a forced return to the Russian Federation for Chechen refugees seeking international protection and to stand against the propaganda of voluntary return to Russia where safety and security cannot be guaranteed;
- To temporarily suspend the Dublin II system if the social system of an EU border state like Poland is confronted with a large number of refugees and cannot guarantee them sufficient protection and decent living conditions;
- To offer EU border countries, particularly Poland and Greece, a financial and organizational support and implement procedures to improve the welfare system, medical care and social assistance for refugees and asylum seekers in these states.

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## Gesellschaft für bedrohte Völker

Postfach 2024  
D-37010 Göttingen  
Telefon ++49 (0)551 49906-0  
Fax ++49 (0)551 58028  
info@gfbv.de  
www.gfbv.de



Spendenkonto: 1909 - Sparkasse Göttingen - BLZ 260 500 01

## Gesellschaft für bedrohte Völker

Menschenrechtsorganisation mit beratendem Status beim Wirtschafts- und Sozialrat der VEREINTEN NATIONEN und mitwirkendem Status beim EUROPARAT

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