

Enhancing the humanitarian aspect of preventing irregular migration by cooperation with non-state actors

Paweł Michniewicz
Ministry of the Interior
Republic of Poland

General background:

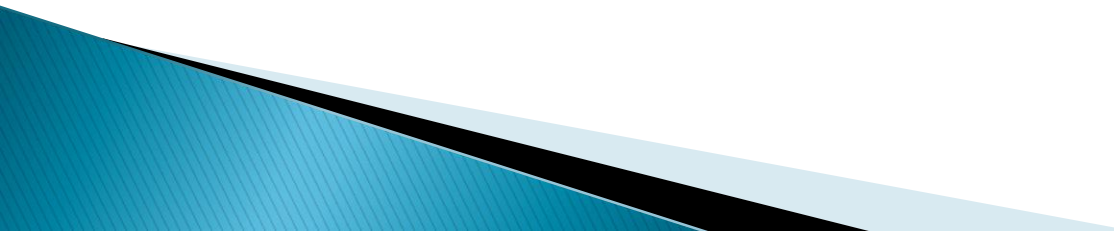
- ▶ 1163 km of land external EU border; 2012: 1,3 mln. visas; 24,9 mln. border crossings by foreigners; 6857 return decisions of which 512 executed by force.
- ▶ PL – transit country
- ▶ Schengen zone – duties and obligations
- ▶ Migration routes *via* Belarus
- ▶ Growing importance and competence of NGOs

Legal background:

- ▶ Policy directions set by strategic document „Migration policy of Poland”
- ▶ Regularisation for illegally residing foreigners
- ▶ Drafting a new law on foreigners
- ▶ Transformation of Border Guard

The question: How to ensure efficient preventing illegal migration without violating human rights and human dignity of immigrants?

Objectives

- ▶ To involve NGOs into the process of pursuing efficient and humanitarian return policy
 - ▶ To verify serious charges which appeared in the media
 - ▶ To investigate the way detention centres function
 - ▶ To elaborate credible conclusions
 - ▶ To introduce appropriate legal and practical changes
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Collaborative inspections:

- ▶ Government commission (Interior Ministry, Border Guard) and group of NGOs representatives
- ▶ 5 guarded centres visited within few weeks
- ▶ Common visits, separate reports (similar conclusions).
- ▶ To sum up: common high-level meeting (Minister of the Interior, the Ombudsman, Ombudsman for Children, NGOs leaders).
- ▶ Inspection will be repeated in December 2013 to verify implementation of changes

Admissibility of detention – draft law on foreigners

- ▶ Decision by judge after the hearing
- ▶ Introducing measures alternative to detention (reporting duty, cash guarantee payments, depositing travel documents, obligation to remain in a designated place)
- ▶ Prohibition of detaining unaccompanied minors under 15
- ▶ Detention for shortest possible period (up to 3 months, 1 year in strictly defined cases)
- ▶ Simplifying procedures → to shorten detention (return procedure/release procedure).

Detention condition – draft law on foreigners and practical changes:

- ▶ Particular attention to children (prioritised proceedings, common accomodation with parents, improving living conditions, access to education, no limit to play outside);
- ▶ Giving up the „arrest regime” (freedom of movement within guarded centre, access to Internet, better access to libraries, TV and other leasure activities, guards without uniform (pilot programme));
- ▶ Freedom of contact with the „outside world” – extention of visiting hours, allowing the use of private mobile phones, more shopping opportunities etc.;
- ▶ Specialisation of the existing guarded centres (e.g. for families and children only, for men only etc.);
- ▶ Standarising the rules of residence – uniform and transparent internal regulations translated into several languages;
- ▶ Minimising inconvenience and severity (cleaning, whistles, morning and evening assembly etc.).

Trainings

For BG officers provided by NGOs:

- ▶ communication between different cultures and religions;
- ▶ resolving conflict situations;
- ▶ better protection for refugees;
- ▶ human rights and fundamental freedoms;
- ▶ human trafficking
- ▶ „Multitraining” – role reversal etc.

For NGOs provided by BG

- ▶ Monitoring of forced returns.

Language courses for BG officers

Georgian, Vietnamese, Urdu, Russian, English...

Also cooperation with academic and research organisations...

Thank you for your attention

Paweł Michniewicz

senior expert

Migration Analysis Unit

Migration Policy Department

Ministry of the Interior

Republic of Poland

Tel. (+48 22) 601 39 51

E-mail: pawel.michniewicz@msw.gov.pl