03.01 - MIGRATION AND ASYLUM SYSTEM INFRASTRUCTURE

1. **BASIC INFORMATION**

1.1. **CRIS Number:** 2003/004-379/03.01
1.2. **Title:** Migration and asylum system infrastructure development.
1.3. **Sector:** Justice and Home Affairs
1.4. **Location:** Poland

2. **OBJECTIVES**

2.1. **Overall objective**
- Alignment of the Polish migration and asylum policy to the common EU policy
- Strengthening the effectiveness of implementing organisational and legal solutions adopted in Poland in the area of asylum and migration

2.2. **Project purpose/immediate objective**
- Developing the infrastructure of the migration and asylum system in Poland
- Improving the residential conditions of refugee status applicants applying for the refugee status
- Accelerating and improving the process of granting the refugee status

2.3. **Accession Partnership and NPAA priorities**
- Ensure full co-operation between national and EU law enforcement agencies by providing necessary administrative and logistic support (*Accession Partnership*)
- Implementation of migration policy and new asylum system (*priority 24.1, National Programme of Preparation for Membership*) - Support for the development of the Office for Repatriation and Aliens

2.4. **Contribution to the National Development Plan:** N/A

2.5. **Cross Border Impact:** N/A

3. **DESCRIPTION**

3.1. **Background and justification**
The number of refugee status seekers in Poland grew eight times over the years 1994-2000. It is estimated that the number of foreigners applying for the refugee status will be growing in the years to come due to the conclusion of visa agreements with the states which up till now have enjoyed the privilege of visa-free traffic (foreseen in July 2003). Poland's access to the European Union also will cause increasing of refugee status or asylum seekers' number. Such opinion is shared by the EU experts who has analysed Poland's situation in the field of migration during the Phare Horizontal Program.

According to Polish law, applications for the refugee status or asylum are to be submitted to the President of the Office for Repatriation and Aliens through Chief Commanding Officer of the Border Guard. The application is received at the state border (at the relevant Border Checkpoint) or directly in Warsaw where most of them is submitted.

EU standards recommend that an interview with an applicant should take place with observing privacy and human dignity for every applicant, not in a crowded, noisy waiting room. There are refugee status/asylum seekers who should be treated in a special way. They are: unaccompanied minors, mothers with children, people after traumatic experiences and handicapped persons (so called vulnerable groups). Those applicants should be interviewed by special trained, professional staff and require separate rooms for interviews.

Currently the limitations in the availability of space in existing receiving applications point in Warsaw (it is located in the building of ORA) do not make it possible to provide proper conditions for servicing foreigners whose cases are being considered. The reception area does not exceed 80 square metres. The lack of space makes impossible to create of isolating rooms for people from vulnerable groups as required by the EU regulations and UNHCR recommendations. The reception part has not been adapted to serve the needs of handicapped people either. Nor is it possible to expand the existing structure due to the fact that it is located in the tightly built-up centre of Warsaw (due to construction provisions). Large
number of applicants have to wait for receiving their application or for an interview outside the building because the lack of space inside. The situation will become worse because of expecting growth of asylum seekers’ numbers after Poland’s accession to EU.

It should be stressed that the idea presented in the fiche is to create the application receiving point only and not to create the new refugee centre in Poland. The additional space for serving aliens applying for refugee status is needed. The new aspect is separating the point of receiving refugee status application from the building where it is currently located.

Such a need was not put into the previous project because the system of reception-residentional centres for refugee status seekers described in the annex to the fiche “Migration policy” in the frame of Phare 2002 was aimed to improve living conditions of aliens waiting for final decision, not to create asylum system. It corresponds to the previous project by the simple fact that before lodging to the refugee centre every alien should submit the application for a status. As far as we know the Border Guard envisages space for receiving applications in the plan of developing Border Checking Points. However the practice shows that the most of applications are submitted not at a border but in Warsaw.

Necessity of creation of a receiving application point fulfilling international standards and obligations was stressed from the beginning of asylum system in Poland.

The key point for asylum system is creation of relevant law provisions. The Office for Repatriation and Aliens leads works of new asylum legislation. Those works are aimed to dividing current Aliens Act into two parts, one of them dealing only with asylum matters, as mentioned in chapter 24 in 2002 Regular Report on Poland’s progress towards accession dated 9 October 2002. Note that under the Polish law the term asylum relates to the notion, which is separate from refugee status under Geneva Convention. Under Polish law the term refugee status corresponds with the understanding of the term asylum among the states of the EU while the term asylum has no relation to definitions and norms of Geneva Convention but comes from provisions of Polish Constitution and the Aliens Act. Granting asylum is based on the interest of Republic of Poland.

One of main responsibilities of the ORA is to run and develop the network of reception-residentional centres for asylum seekers. Beside existing centres in Debak and planned in Linin, one more centre specialised in reception of families with children will be opened December 1st 2002 in Czerwony Bór. It is run using our own means. The full capacity of all refugee centres is envisaged on a level of 1200 places. State budget financial means are mainly assigned for maintaining refugee centres and for accommodation, food, medical care and material assistance for asylum seekers waiting for the final decision in their cases.

Beside creating the network of refugee seekers’ centres the development of the asylum system in Poland shall include improving procedure of granting refugee status. For this purpose the administration staff working on granting status should be strengthened (depending on financial means allocated from the state budget in year 2003).

It is the priority to create the unit responsible for tasks and obligations indicated in Dublin Convention within the organisational structure of the ORA (using it’s own financial means).

As mentioned above the separate point for receiving application from asylum seekers should be established as important part of the Office for Repatriation and Aliens development. The proper building plot, state-owned currently being at the disposal of the Minister of Internal Affairs and Administration, is placed at ul. Taborowa 33 in Warsaw. It is conveniently located, away from the crowded downtown, easily accessible by public transportation. The plot will be formally devoted to the ORA for construction purposes after approval of the project (this is usual procedure for state’s properties).

The creation of the point will help to meet standards in the area of reception of applicants for asylum determined by new EU legislation. The point shall guarantee proper conditions of interview, privacy, special treatment of minor asylum seekers, people after traumatic experiences, handicapped and medical care. In particular there shall be available psychological and pedagogical assistance. There shall also be the possibility to accommodate one or two asylum seekers for short period of time, if necessary.

All these standards the planned point will meet on line with UNHCR recommendation. The establishing of the point of receiving applications has been approved and is supported by UNHCR office in Warsaw (see annex to the fiche).

The acquisition of an additional space will make possible handling in the proper way direct services provided to refugee status seekers in Poland it means receiving applications, conducting interviews, preparing status granting decisions, personalising the documents according to the EU standards. Larger reception area makes possible preparing adequate rooms for servicing refugee/asylum seekers from
vulnerable groups. Such a point will improve the asylum procedure. Thanks to new facilities the effectiveness of the staff’s work will be strengthened, as there will be possibilities to have a few interviews at the same time.

Besides, in the new building the following structures should be located:

- Dublin Convention unit
- Liaison officers settlement
- Information desk for recognised refugee seekers to help them to accommodate in Poland
- Separate place for relevant international organisations such as UNHCR and NGO-s representants
- Space for keeping Eurodac files.

3.2. **Linked activities**

- Enacting of changes in Polish law aimed at adapting it to the *acquis* (the Alien’s Act with amendments which entered into force on 1 July 2001). By virtue of the amended Alien’s Act, the Office for Repatriation and Aliens was established. Its competence includes *inter alia* all matters related to aliens applying for the refugee status or for asylum. The solutions included in the amended law improved and accelerated the refugee procedures by allowing for a manifestly unfounded application to be considered within a short time

- Enacting administrative acts to the amended Alien’s Act regulating the principles of dealing with some categories of refugee status seekers in Poland (regulation on dealing with unaccompanied minors during the proceedings for granting the refugee status and the regulation on the course of proceedings involving foreigners who apply for the refugee status and who are presumed to have been victims of offences or violence, or who are handicapped)

- Development of co-operation with non-governmental organisations (including UNHCR, UNICEF, the Helsinki Human Rights Foundation, Polish Humanitarian Action) in cases involving unaccompanied minors applying for the refugee status, as initiated by the activities conducted within the framework of the international EU project, titled *Children First*, which was being implemented in the years 2000-2001

- The PHARE 2002 project *Migration and Asylum Policy*, which provides for an increase in the number of available places and an improvement in the living conditions in the governmental reception and residential centres – through the modernisation of the already existing Central Reception Centre for refugee seekers in Debak, and the establishment of a new centre in Linin (both places are located about 30 km from Warsaw)

- The twinning projects 2000, 2001, 2002 (both the already implemented and the planned ones) provide for training in the area of dealing with people from sensitive groups, i.e. unaccompanied minors, families with children, people after traumatic experiences, the handicapped; as well as dealing with refugee seekers in matters related to Art. 1 F of the Geneva Convention. The 1999 Twinning included also training sessions for the staff of the Office for Repatriation and Aliens on the organisation of voluntary repatriation.

3.3. **Results**

Creating proper conditions for the provision of direct services to refugee status or asylum seekers (waiting rooms for petitioners, separate rooms for people who require special treatment, rooms for interviews with the applicants) through the acquisition of additional reception space.

3.4. **Activities**

**Contract 1.**

Creating (constructing) the point for receiving application and interview conducting in order to facilitate and to improve the conditions of providing services to refugee status or asylum seekers. It would have to meet the needs related to dealing with refugee status or asylum applicants, which includes: preparing a waiting room of adequate size, separate rooms for vulnerable groups (families with children, unaccompanied minors, handicapped people, people after traumatic experiences), providing sufficient access to sanitary utilities.

**Contract 2.**

Purchase of equipment for refugee/asylum seekers space in the building placed at ul. Taborowa 33, that means furniture for waiting rooms, interview rooms, short-term accommodation rooms for asylum seekers (chairs, beds, room furniture, etc.) and medical equipment and furniture for ambulatory.
3.5. **Lessons learned**
The projects is providing for the development of the asylum and migration infrastructure constitute a new element among the Phare projects; their implementation has not been started yet – therefore no lessons have been learned.

4. **Institutional Framework**

Authorities responsible for the implementation of the migration and asylum policy: the Ministry of Internal Affairs and Administration and the Office for Repatriation and Aliens.
The project will be implemented by the Administration Division of the Director's General Bureau in the Office for Repatriation and Aliens.
The point for receiving application for refugee status/asylum application will be owned by the Office for Repatriation and Aliens.

5. **Detailed Budget**

<table>
<thead>
<tr>
<th></th>
<th>Investment Support</th>
<th>Institutional Building</th>
<th>Total PHARE</th>
<th>National co-financing</th>
<th>International &amp; Financial Institutions</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Contract 1</td>
<td>1 275 000</td>
<td>1 275 000</td>
<td>425 000</td>
<td>1 700 000</td>
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<td>Contract 2</td>
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<td>75 000</td>
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<td><strong>1 500 000</strong></td>
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<td><strong>2 000 000</strong></td>
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<td><strong>2 000 000</strong></td>
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</tbody>
</table>

6. **Implementation Arrangements**

6.1. **Implementing Agency**
PAO: Zenon Kosiniak-Kamysz – Undersecretary of State at the Ministry of Internal Affairs and Administration, ul. Batorego 5, 02-591 Warszawa, tel. (+48 22) 621 0391; fax: (+48 22) 849 5213.
Project supervisor: Grazyna Weclewksa, Director, Implementing Authority for Phare Cross-Border Cooperation, ul. Krucza 36, 00-522 Warszawa, tel. (+48 22) 695 9910/11; fax: (+48 12) 695 9912/13.

6.2. **Twinning**
Training for the staff of the Office for Repatriation and Aliens on topics related to the provision of direct services to aliens who apply for the refugee status in Poland was included in the twinning programs 2000, 2001 and 2002.

6.3. **Non-standard aspects**
In the course of project implementation, the procedures specified in the Practical Guide to PHARE, ISPA and SAPARD (PRAG) will be followed.

6.4. **Contracts (joint co-financing)**

**Contract 1**
Constructing a point for receiving applications for refugee status or asylum with particular attention to be paid to the needs of persons applying for the refugee status. Completing the object should include the full wiring (with electrical, IT and safety net cables).
Estimated costs: 1 700 000 € (Phare support - 1 275 000 €, co-financing - 425 000 €).

**Contract 2**
Purchase of equipment for waiting rooms, interview rooms, an ambulatory and furniture for rooms for short-term accommodation for asylum seekers.
Estimated costs: 300 000 € (Phare support - 225 000 €, co-financing – 75 000 €)
Additionally apart from the joint co-financing, the ORA is ready to cover costs of purchase of the office and IT equipment from the budgetary funds in years 2005 – 2006.

7. **Implementation Schedule**

- Documentation ready: second quarter 2003
- Start of tendering: second quarter 2003
- Start of project: first quarter 2004
- Completion: second quarter 2006
8. **EQUAL OPPORTUNITIES**

The institutions implementing the project will ensure equal access to all positions.

9. **ENVIRONMENTAL IMPACT**

The assessment of the environmental impact will be attached to the project feasibility study. The environment impact assessment should be prepared before signing the Financing Memorandum.

10. **RATES OF RETURN**

The project has been designed for the purposes of the public administration system and as an element aimed at adapting Polish migration and asylum policy to the EU standards, it should be assumed that the rate of return would be low.

11. **INVESTMENT CRITERIA**

11.1. **Catalytic effect**

This project will play the significant role in preparing of Polish immigration administration to operate effectively in the EU common migration policy and co-operate with others EU members in this field.

11.2. **Co-financing**

Adequate financial means (25% of the total project cost) will be allocated in the budget of the Office for Repatriation and Aliens in budgetary years 2003-2006.

11.3. **Additionality:** N/A

11.4. **Project readiness and size**

Project is in the course of preparation. Documentation will be ready before signing the Financing Memorandum.

11.5. **Sustainability**

All investments are planned in compliance with EU standards and after Poland’s accession to the EU it’s maintaining will be financed by Polish budget.

11.6. **Conformity with state aid provisions**

Financial means from the budget are to be assured for contract’s co-financing.

12. **CONDITIONALITIES AND SEQUENCING**

- Tender documentation to be prepared: till the end of second quarter 2003.
- Signing of the contract with Contractor after the tender: till the end of first quarter of 2004.
- Contract completion (achievement of the project): second quarter 2006.
- Feasibility study and other required documentation ready before the signature of Financing Memorandum.
## ANNEX 1 - PROJECT LOGICAL FRAMEWORK MATRIX

### PROJECT TITLE: MIGRATION AND ASYLUM SYSTEM INFRASTRUCTURE DEVELOPMENT

<table>
<thead>
<tr>
<th>Overall objective</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alignment of the Polish migration and asylum policy to the common EU policy. Strengthening the effectiveness of implementing organisational and legal solutions adopted in Poland an the area of asylum and migration.</td>
<td>Changes in Polish law in migration and asylum area aimed to adaptation EU acquis standards (numbers of solutions adapted by published legal acts)</td>
<td>Official governmental publication informing about changes in Polish law.</td>
</tr>
</tbody>
</table>

### Project purpose (immediate objectives)

<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creating proper conditions (fulfilling EU standards) for the provision of direct services to refugee status or asylum seekers.</td>
<td>The area of reception rooms for servicing applicants for a refugee status. Number of separate areas for applicants from vulnerable groups (unaccompanied minors, family with children, handicapped persons). Number of facilities for handicapped.</td>
<td>Documentation available in the Office for Repatriation and Aliens. The autopsy (the visit of EU representant in the new center).</td>
<td>Successful implementation of the Office for Repatriation and Aliens' development strategy. Creation of effective and internally consistent immigration system in Poland. Shortage of financial means in the state budget may affect negatively the project implementation.</td>
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### Activities

<table>
<thead>
<tr>
<th>Activities</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creation (construction) of the centre for receiving applications and conducting interviews for refugee status and asylum seekers.</td>
<td></td>
<td></td>
<td>Phare funds available</td>
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### Preconditions

Financing Memorandum signed
### ANNEXES 2-3-4: DETAILED IMPLEMENTATION CHART, CONTRACTING AND DISBURSEMENT SCHEDULE OF THE PROJECT

### PROJECT TITLE: MIGRATION AND ASYLUM SYSTEM INFRASTRUCTURE DEVELOPMENT

<table>
<thead>
<tr>
<th>Date of Drafting</th>
<th>Planning period</th>
<th>Budget allocation</th>
<th>Cost estimate</th>
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#### PLANNED IMPLEMENTATION SCHEDULE PER QUARTERS

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<tr>
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Legend: D = design of sub-projects; C = tendering and contracting; I = contract implementation and payment.