

ICPS newsletter[®]

Border and migration services reform brings Poland closer to the Schengen zone

Poland has achieved some success in protecting its borders, combating contraband and illegal migration, and providing asylum to refugees.

Key features of the country's migration management system are a Border Service that has been transformed from a military operation to a police structure, mature government institutions, and the active involvement of NGOs in migration issues. EU assistance made a significant contribution to these reforms. The Polish experience in both migration reform and the effective use of technical assistance can be successfully applied in Ukraine

As part of the "Improving the Implementation of Migration Policy by Disseminating EU Experience with Readmission Treaties" project, a group of 28 representatives of Ukraine's Ministry of Internal Affairs, its State Border Service, and State Nationalities and Migration Committee, and of non-government organizations working to counter illegal migration and defend human rights visited Poland 29 January–3 February 2006.

ICPS's Polish partners from the Institute of Public Affairs, a non-government think-tank, ran several workshops and seminars dealing with Poland's migration policy. The purpose of this training was to prepare participants to transfer the Polish experience with technical, legal and practical aspects of detaining illegal migrants, bringing national standards in line with EU legislation on migration, providing asylum to refugees, and protecting the borders throughout Ukraine.

Poland replaced its border patrols with a more effective police

After the fall of the Soviet Union, Poland declared integration with the European Union and joining the Schengen area its foreign policy priorities. This meant finding solutions to new challenges such as curbing uncontrolled migration, harmonizing national legislation and institutions with EU standards, arranging protection for refugees, creating conditions for returning Polish migrants,

and combating corruption in the Border Service.

The main idea for reforming the Border Service was to transform it from a military operation into a specialized law enforcement division, the border police, with authority to protect the state border and to combat illegal migration, contraband and smuggling, and corruption at border crossings. Matching changes were needed in the legislation, structure, functions and personnel related to the Border Service. In 2001, for instance, the Polish Border Service was granted two important powers:

- to use operative methods similar to police instruments, such as covert observation and recording of photo images, correspondence, and conversations, and operational purchases of goods;
- to act outside the limits of the border territory when pursuing offenders.

Much attention was paid to re-equipping the Border Service and reinforcing protection on the country's eastern borders. During soviet times, Poland's eastern border was almost fully covered by soviet border troops, who controlled both entry into and exit from the USSR. Accession to the European Union and the Schengen zone meant that Poland needed to first effectively protect its entire border. To this end, the European Union helped by providing some EUR 130mn under the PHARE program over 1999–2004 for Poland to purchase state-of-the-art equipment for monitoring and protecting the border.

Systematic combat against corruption in the Polish Border Service began in 1997 with the establishment of the Border Service Internal Affairs Bureau with its network of offices in border districts and in Warsaw. This Bureau was authorized to use operational methods in fighting corruption. As part of the Government's "A Safe Poland" program, adopted in 2002, the Government established a series of anti-corruption measures in the Border Service whose main elements were:

- to limit arbitrary actions on the part of border officers and to prevent arbitrary interpretations of regulatory documents;
- to eliminate opportunities for material gain;
- to institute the principle of having official responsibilities carried out by at least by two officers;
- to introduce public oversight of decisions made by officials;
- to establish clear rules for HR management, and so on.

Institution-building has made great strides in Poland

The Border Service is involved across all Polish territory in detecting and detaining individuals who illegally stay in the country or work without proper permits. Since the collapse of the USSR, Polish migration policy has improved significantly, moving from the closed system of the Cold War era to a modern one that recognizes challenges of a global world and can manage migration flows. As a whole, Polish legislation on migration does not differ from Ukrainian legislation. The principal difference between Poland and Ukraine is the maturity of government institutions.

Today, issues of migration policy and asylum are actively handled at both

state and local levels by the Polish Ministry of Foreign Affairs, the Border Service and the police, the Office for Repatriation and Aliens, the Refugee Council, the Ministry of Labor and Social Policy, provincial administrations, and employment centers. According to Polish specialists, the main factors that allowed for successful reform in the Polish migration management system were:

- a realization of the possible threat of uncontrolled migration from the East;
- the readiness of government agencies to cooperate with non-government and international organizations;
- international obligations the country had committed to;
- financial and technical assistance from the EU to meet key requirements;
- real political benefits from meeting these requirements, including accession to the EU, cancellation of visas and control on the EU's internal borders.

NGOs are active in resolving migration problems

Polish NGOs are important partners in the process of dealing with migration issues. They are active in developing government policy on migration and on resolving day-to-day issues. They submit proposals to the government with solutions to various problems, they study various aspects of migration, they provide legal and financial aid to migrants, and they keep an eye on how the Government fulfills its international obligations.

When Polish legislation was harmonized with EU norms, NGOs were given important powers that guarantee their participation in migration issues:

- detained illegal migrants must be informed about NGOs that can provide legal aid and about how to get social and medial assistance;
- individuals who have applied for refugee status must be ensured contact with NGOs, while NGOs must be provided with access to places where refugees live and be allowed to contact them directly;

- government bodies are obligated to consult with NGOs on when drafting legislation as part of their work duties and to create joint advisory groups;
- NGOs must be allowed to participate in legal proceedings both on behalf of foreigners and as a friend of the court.

Polish NGOs are also active in providing legal counseling and implementing social programs. Legal aid is provided by representing the interests of migrants, providing consultations on legal documents, monitoring adherence to the rights of refugees, and lobbying for policy changes when necessary. Social assistance is most frequently given in the form of food products and household goods, financial support, consultations on employment, housing options, social security, and medical aid. NGOs also do public awareness work, promoting tolerance towards refugees in the community, facilitating the integration of refugees into Polish society by learning the language, providing assistance for the education of children, and organizing professional courses. ■

The "Improving the Implementation of Migration Policy by Disseminating EU Experience with Readmission Treaties" project is being implemented jointly by the International Centre for Policy Studies (ICPS) and the Institute of Public Affairs (IPA), Poland. The project is financed by the Embassy of the United Kingdom in Ukraine, the Local Government Initiative (LGI) of the Open Society Institution (OSI), and the Stefan Batory Foundation (Poland). The goal of this project is to develop better mechanisms for implementing migration policy in Ukraine by applying EU experience with readmission treaties and to provide policy recommendations. Future project activities include organizing seminars to disseminate Polish experience among Ukrainian specialists and preparing an analytical report on how to apply Polish experience with introducing European standards in migration policy.

For additional information, contact Project Coordinator Olga Shumylo by telephone at (380-44) 484-4400 or via e-mail at oshumylo@icps.kiev.ua.

By the way...

- A group of specialists headed by First Deputy Minister of Economy Anatoliy Maksiuta is finishing preparations to present a Green Paper on Fiscal Decentralization. A Green Paper is a form of a public policy document widely accepted in developed democracies, but still not common in Ukraine, that a Government uses to initiate public debate on a social issue in order to come up with quality solutions.
- ICPS analyst Ildar Gazizullin spoke on efficient use of energy resources during public hearings on 8 February 2006 that were attended by Premier Yuriy Yekhanurov. A presentation along with ICPS proposals for reducing the energy-intensiveness of the Ukrainian economy can be found on the ICPS website (see Section "New on Site").
- As part of the Academic Fellowship Program, representatives of Ukrainian universities discussed problems and objectives of Ukraine's participation in the Bologna Process with Dr. Sophia Howlett, Dean of the Central European University. This event took place on ICPS premises 10–11 February 2006.
- ICPS prepared a monthly review of events in Ukraine. This review covered the public activity of the president, the Cabinet of Ministers, the Verkhovna Rada, events related to political parties, foreign policy, the economy, the banking sector, and regional events.
- On the eve of the mayoral election in Kyiv, participants in this political race are becoming more and more interested in learning the basic principles of public policy and related instruments. Representatives of various political forces are consulting ICPS to understand key problems in municipal policy, their interrelation, and how to move from administrative to democratic governance.

By the way... is a new column that will briefly inform readers about current ICPS activities and update you on various research projects undertaken by ICPS and other events that are not always covered.

icps newsletter is a weekly publication of the International Centre for Policy Studies, delivered by electronic mail. To be included in the distribution list, mail your request to: marketing@icps.kiev.ua.

icps newsletter editor: Yevhen Shulha (shulha@icps.kiev.ua)
Phone: (380-44) 484-4400. Fax: (380-44) 484-4402.
English text editor: L.A. Wolanskyj
Articles may be reprinted with ICPS consent.

The International Centre for Policy Studies is an independent research organization whose mandate is to promote the introduction of public policy concepts and practices in Ukraine. This is achieved by increasing the know-how of key government officials for policy choices, formulation and debate, and the awareness of the public-at-large of the benefits of policy.
Address: vul. Pymonenka 13A, Kyiv, Ukraine 04050
Web-site: <http://www.icps.com.ua/eng/>