



### Note for the File

<b>Event</b>	TCN Working Group Meeting
<b>Date and Place</b>	06.05.2022 12:00, Teams
<b>Attended by</b>	See participant list below
<b>NFF prepared by</b>	Natalie Payne, IOM Poland

### Overview:

- Focus on work of WG participants, specifically Association for Legal Intervention (SIP) on access to legal aid for TCNs in detention, and Safe Passage on TCN's access to UK Humanitarian Visas

### Participant List:

- Agnieszka Matejczuk, SIP
- Jacek Białas HFPC
- Khaled Khaled
- Marta Staniszewska
- Kasia Błasińska
- Mame Faye-Rexhepi
- Francisco Yermo
- LeClair, Alden, PRM
- Aga Macura
- Jessica Caplin
- Kaja Wislinska

- Caterina Franchi, Safe Passage
- Michał Zawistowski
- Natalia Warcholak
- PAYNE Natalie (IOM Poland)
- PIECHOWSKA Emilia (IOM Poland)

#### **General updates:**

- Reminder that IOM Poland's TCN Office Hours will take place on Wednesdays from 14-17. TCNs should book the time slot calling: +48 724 078 537.
- Reminder of accommodation schemes to support TCNs, including the IOM-AirBNB agreement.

#### **SIP - Legal Aid for TCNs in Detention**

*By Agnieszka Matejczuk*

***Slides available in TCN WG Sharepoint, ODP page and attached to NFF***

- International Protection
- Humanitarian Stay (art 348 act on foreigners)
- Those in detention will either be in international protection procedure, or a deportation procedure. Not possible to apply for temporary residence in this phase.
- Basis of detention is either return procedure, or international protection procedures
- Most common reason for detention is the person is undocumented; significant risk of absconding; return procedure is already pending
- Detention only permitted if there's a justified reason to believe the person applied for I.P. to delay their return procedure, but in practice it is the default for the courts/BGs
- USC can be detained if over 15 - regarded as a 'last resort' and the court and BG should always consider the best interests of the child
- Return procedure triggered by illegal border crossing or attempt of it, entry ban, and when there is a declaration that the person concerned will not comply with a return decision
- Maximum detention period: I.P. 6 months; R.P - possible extension up to 12 months in cases of delays of document issuance - controversially up to 18 months if the person launches an appeal against their deportation order



## DETENTION- maximum period

### LEGAL AID- NGO'S VISITING DETENTION CENTERS:

1. Stowarzyszenie Interwencji Prawnej (Association for Legal Intervention)- Kętrzyn, Lesznowola.
2. Helsińska Fundacja Praw Człowieka (Helsinki Human Rights Foundation)- Biała Podlaska, Białystok, Czerwony Bór.
3. Nomada- Krosno Odrzańskie.
4. Homo Faber\*- Przemyśl
5. Fundacja Instytut na Rzecz Państwa Prawa (The Rule of Law Institute)
6. Centrum Pomocy Prawnej im. Haliny Nieć (Legal Aid Centre the Halina Nieć)

- Detention is often treated as an automatic measure in Poland
- Only 94 individuals received alternatives for detention in 2021
- Alternatives can include regular reporting, proof of deposit for a travel ticket, etc.
- Most TCNs contact legal aid organisations by email
- Should be a case manager in the detention center
- Possibility of appeal- court decision is in Polish but 7 day for appeal starts from when they get a translated copy
- Documents for I.P. are not translated

### **Safe Passage: Visa schemes to the UK for TCNs fleeing Ukraine**

*By Caterina Franchi*

#### **Slides available in TCN WG Sharepoint, ODP page and attached to NFF**

- Safe passage started work with unaccompanied children, but now also support families etc
- No physical presence in Poland yet but hope to set one up soon
- Pre-Brexit, the organisations did a lot of Dublin III cases
- European Directive does not apply to the UK - all entrants need a visa
- There are currently 2 ad hoc schemes for Ukrainians fleeing
- Ukrainian family scheme: free online application
- For Ukrainians and their immediate family members (inc TCN family members) to join a family member in the UK
- Applicant must have been residing in UA on or before 1 Jan 2022

- Homes for Ukraine Scheme - Free online application, allows Ukrainians without family ties to come to the UK
- Other routes to the UK (non-Ukraine specific): refugee family reunification
- Is it a complication if person already has registered in Poland or another EU country? Definitely is under homes for Ukraine scheme, easier for family reunification
- Some charities help match people with sponsors (Safe Passage currently doesn't have the capacity to do this)
- A lot of people find sponsors through Facebook, but this can be dangerous, Home Office checks aren't that thorough
- To be a sponsor, only have to provide accommodation for 6 months
- Would have permission to work in UK and are entitled to UK state benefits
- 95,500 people relocated under the schemes so far, the UK Home Office updates the data regularly, there are currently some delays
- For the family scheme there is in theory the chance to apply at the point of entry. If UA national manages to arrive they can ask for the scheme at the port of entry if they have a valid passport - but possibility of issues at airports. It is strongly discouraged for TCNs to try this method.

#### **Linking Applicants with Sponsors in the UK:**

- Individuals and organisations (NGOs, charities, faith groups, community groups, businesses etc) in the UK can apply to be sponsors (on website above).
- Community sponsorship will be run / facilitated by the Department for Levelling Up.
- List of charities matching sponsors in the UK and applicants:
- Sanctuary Foundation – <https://www.sanctuaryfoundation.org.uk/>
- Refugees at Home - <https://www.refugeesathome.org/>
- Room for Refugees - <https://www.roomforrefugees.com/>
- Reset - <https://resetuk.org/about/ukraine>
- World Jewish Relief - <https://www.worldjewishrelief.org/news/1291-homes-for-ukraine-how-you-can-help>
- The Scottish First Minister announced that applicants with no UK sponsor can indicate 'The Scottish Government' as a sponsor. This way, Ukrainians without a sponsor can apply under the Homes for Ukraine Scheme. The Scottish Government will provide successful applicants with accommodation on arrival.

#### **Important contacts**

Urszula Humienik-Dworakowska – Member of the working group – for questions on access to medical support in Bialystok area - [uhumienik@gmail.com](mailto:uhumienik@gmail.com)

[porada@interwencjaprawna.pl](mailto:porada@interwencjaprawna.pl) - for TCNs requesting legal support