



READMISSION PROCEEDINGS BETWEEN POLAND AND UKRAINE

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Analysis of state practice regarding readmission proceedings and their protection safeguards in 2020

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Introduction

The process of returning migrants from the territory of the country where they no longer have grounds for legal stay. In order to regulate the processes of return of irregular migrants states have created several instruments applicable to various scenarios, one of which is the procedure of readmission.

The aim of this report is to analyse the cases of readmission from Poland to Ukraine from the perspective of the rights of readmitted persons, especially the access to asylum proceedings in Poland and the security guarantees for persons being subject to readmission. The analysis below was conducted on the basis of information provided by the state authorities of Poland and Ukraine responsible for the implementation of readmission, as well as information provided by the non-governmental organizations of both state parties and one case study of a foreigner. The conclusion of the report presents problems identified in the course of analysis.

Definition of Readmission

Persons who found themselves on a territory of the country where they lack legal stay may become subject to readmission. Readmission is the process of transferring from one state to another of persons who do not or who no longer fulfil the conditions for entry to or stay on the territory of the requesting state. The rules of readmission are regulated by bilateral agreements or

multilateral agreements that define the categories of persons, applicable deadlines, operational and technical criteria as well as procedures and guarantees for the readmitted persons.

European Commission defines readmission agreement as “International agreement that addresses procedures, on a reciprocal basis, for one State to return non-nationals in an irregular situation to their home State or a State through which they have transited”¹.

While not being explicitly provided for by the international law readmission is well-established in the European Union primary law. Art. 79(3) of the Treaty of the Functioning of the EU (TFUE) granted the EU with the competence to conclude readmission agreements with third countries. These agreements were to be used as an essential tool of implementation of Common Immigration Policy. Readmission agreements are also included among the instruments of the common rules on return (Return Directive, 2008) as a mean to facilitate sustainable return.

The European Commission pursues a standard approach in negotiating readmission agreements with third countries and seeks to achieve final texts that have as many common features as possible. Thus, the EU’s set of demands and expectations is the same for every one of the third countries.

There are three parties to the readmission agreement: the state that requested the readmission, the state that is legally bound to readmit the person and the person who is subjected to readmission. It has to be underlined that by its nature this relationship is an unbalanced one². While two states are acting according to the instructions and legal premises they both agreed upon, the person in question is merely ascribed the role of the object of readmission whose interests are in conflict with the goals of the process. Therefore, it is crucial that readmission agreements include adequate protection guarantees for persons subjected to readmission, as well as mechanisms of their implementation.

It is important to point out that the readmission agreements concluded by the EU regulate readmission of not only citizens of contracting states but also third country nationals and stateless persons. This means that a third country national or a stateless person after the readmission from an EU state to the neighbouring country may be subjected to further readmission to the country of origin or residence, depending on their status in the readmitting country. This network of countries bound by readmission agreements produce the so-called “domino effect”³ and may cause serious violations of human rights especially if the human rights guarantees included in these agreements are not respected. Therefore, the forced execution of the readmission order may give rise to certain protection concerns. These especially include the risk of *refoulement* to the country where the person may face danger of persecution.

¹European Commission, Migration and home affairs, Glossary, https://ec.europa.eu/home-affairs/e-library/glossary/readmission-agreement_en

² F. Trauner, I. Kruse, EC Visa Facilitation and Readmission Agreements: Implementing a new security approach in the Neighbourhood, CASE Network Studies and Analyses No. 363, 2008, c. 17.

³M. Rais, European Union Readmission Agreements, Forced Migration Review, Issue 51, January 2016, p. 45.

Readmission Agreement and Implementation Protocol

Until now, there are 18 readmission agreements with third-countries concluded by the European Union. Readmission agreements are often followed by the implementation protocols between the EU member-state and third-countries. The aim of this report is to present the analysis of current practices of implementation of the Agreement between the European Community and Ukraine on the readmission of persons concluded on January 1, 2008 (further – the Agreement).

The Agreement consists of a preamble defining the aim of the agreement - to strengthen the cooperation in order to effectively combat illegal migration as well as 7 sections and 21 articles that include regulations regarding readmission obligations, procedure, transit operations, costs, data protection and non-affected clause, implementation and application and final provisions. The implementation of the Agreement is facilitated by the Joint EU-Ukraine Readmission Committee (JRC). The aim of the JRC is to provide the parties with mutual assistance in the application and interpretation of the Agreement as well as to assess the progress of its implementation. JRC also discusses the progress in signing implementation protocols between Ukraine and EU-member states. According to art. 16, Ukraine and an EU-member state may conclude implementing protocols which can specify the rules regarding designation of the competent authorities and mechanisms of communication between them, border crossing points and the transfer of persons as well as modalities for returns under the accelerated procedure.

Implementation protocol between the Cabinet of Ministers of Ukraine and the Government of the Republic of Poland on the implementation of the Agreement between Ukraine and the European Community on the readmission of persons (further: Implementation protocol or Protocol) was signed in 2017. Along with the abovementioned rules, the Protocol includes the article related to the additional tools and documents which may be used to confirm the grounds for readmission. Among such documents there are photographic and audio-visual materials, a copy of the marriage certificate and positive results of comparison of fingerprints with fingerprints which are stored in available databases. The article allows to take into consideration also other means and documents that are not provided by the Protocol but which may be decisive in determining the grounds for the readmission of persons, such means or documents may be attached to the readmission request that was submitted to the competent authority of the requested Party. This opens up the room for differences in interpretation of the evidence available to the Border Guard authorities of both countries, the example of which will be demonstrated further. In case of absence of any document or identity proof the requesting state may ask the requested state to appoint an authorized representative of the diplomatic mission (consular body) to conduct an interview with the person in order to establish person's identity. This may give rise to a concern in the context of persons' safety and security in situation when person may be in fear of persecution in the country of origin⁴.

⁴ It was specified by the Border Guards that the possibility of confirming identity during consular interviews is a principle applied in all readmission agreements. According to the recommendations of the European Commission, Member States should apply the provisions of EU readmission agreements to all their return operations. The foreigner's written consent for carrying out consular activities is not required. On the other hand, a foreigner may refuse to undergo activities related to conducting a consular interview (for example due to fear of persecution).

Types of readmission procedures

It should be pointed out that there are two types of readmission proceedings including a) the full procedure and b) the accelerated procedure. There is no indication of the term “full procedure” in the Agreement or Protocol. For the purposes of this report “full procedure” means the readmission procedure performed in case when a person (including third-country or stateless persons) does not or does no longer fulfil the conditions in force to entry, presence or residence and the competent authority within one year after it gained knowledge of the above submitted the readmission application to the requested state. The requested state has 14 days to respond to the application after which a person shall be transferred without delay. In case when authorities failed to submit the application within one year – readmission shall not arise.

The term „accelerated procedure” is provided by the EU-Ukraine readmission agreement. According to art. 5 (3) accelerated readmission procedure is being applied within two days after “a person has been apprehended in the border region of the requesting State within 48 hours from illegally crossing of the State border of that person (including seaports and airports) directly from the territory of the requested State”⁵. The requested state may apply for the extension of the time limit for accelerated procedure by one working day in case the requesting state will agree to that (art. 8 (3) of the Agreement). According to art. 5 (5) of the Protocol after receiving the confirmation of the readmission in accelerated procedure the person shall be returned to the territory of the requested state within 24 hours. The Agreement provides for the possibility to include a statement indicating that the person may need help or care or “any other protection or security measure which may be necessary in the individual transfer case”⁶.

I. Information on readmission proceedings provided by the state-parties to the Implementation protocol

Halina Nieć Legal Aid Center directed information requests to the state authorities responsible for readmission proceedings. The analysis below is conducted on the bases of responses of the competent state authorities responsible for the implementation of the Agreement. According to art. 1 of the Protocol the competent authorities in charge of the implementation of the Agreement are represented by: the Commander-in-Chief of the Border Guards in Poland, State Migration Service of Ukraine and Administration of the State Border Guard Service of Ukraine. The analysis covers the readmission proceedings conducted in 2018-first half of 2020. Information requests contained questions related to the number of persons subjected to readmission, their citizenship, age, gender, as well as whether there were unaccompanied minors or families with children. Polish authorities were requested to provide response on the type of information that is being provided to persons subject to readmission, cases where the translator was requested, which documents were used as means of proof for the readmission procedure, reasons of failed readmission procedures, the number of persons declaring the will to apply for international

⁵ Agreement between the European Community and Ukraine on the readmission of persons - Annexes - Declaration - Joint Declarations Official Journal L 332 , 18/12/2007, p. 0048 – 0065. Access: [https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:22007A1218\(01\)](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:22007A1218(01)) .

⁶ Agreement between the European Community and Ukraine on the readmission of persons - Annexes - Declaration - Joint Declarations Official Journal L 332 , 18/12/2007, p. 0048 – 0065. Access: [https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:22007A1218\(01\)](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:22007A1218(01)) .

protection and main problems and difficulties identified in the course of readmission proceedings. Separate question was dedicated to the influence of COVID-19 restrictions on the implementation of readmission proceedings provided by the Agreement.

I. Information on readmission proceedings provided by Poland

According to the information provided by the Polish Border Guard on the 16th of April 2020, foreigners stopped in the territory of Poland, for whom there are grounds to initiate readmission proceedings, have the following rights:

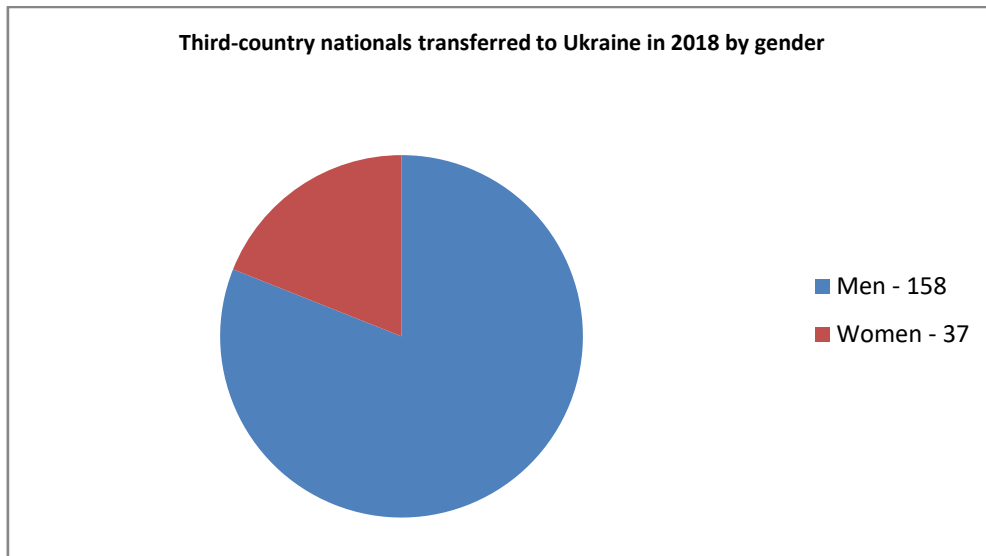
- the right to be informed of the reason for detention and the right to be heard;
- the right to contact the lawyer without delay and to speak with him directly;
- the right to a free of charge interpreter if the foreigner does not know the Polish language sufficiently;
- the right to receive a certified copy of a report from the control of the legality of the foreigner's stay in the territory of Poland;
- the right to notify the closest person, as well as the employer, school and university about the detention;
- the right to contact the consular office, diplomatic mission of the person's country; if he does not have citizenship - the right to contact the representative of the state in which he resides; if provided for by the consular agreement, between Poland and his country, these institutions will be informed of the detention even without his consent;
- the right to appeal against detention within 7 days from the date of detention;
- the right to submit a complaint to the public prosecutor regarding the manner of detention within 7 days from the date of detention;
- the right to immediate release if the reasons for detention ceased to exist, or after 48 hours from the moment of arrest, unless the detained is submitted to the court within that time with a request to be placed in a guarded center for foreigners;
- access to necessary medical assistance;
- the right to be informed of the country to which he will be transferred.

Information on non-governmental organizations providing assistance (including legal assistance) with their contact details are displayed in different languages in premises for detainees.

In 2018, 195 third-country nationals were transferred to Ukraine under the readmission agreement (requested data does not include Ukrainian nationals). The vast majority of foreigners were transferred under accelerated procedure (192), and only 3 of them (from Gambia, Senegal and Turkey) were transferred under full readmission procedure.

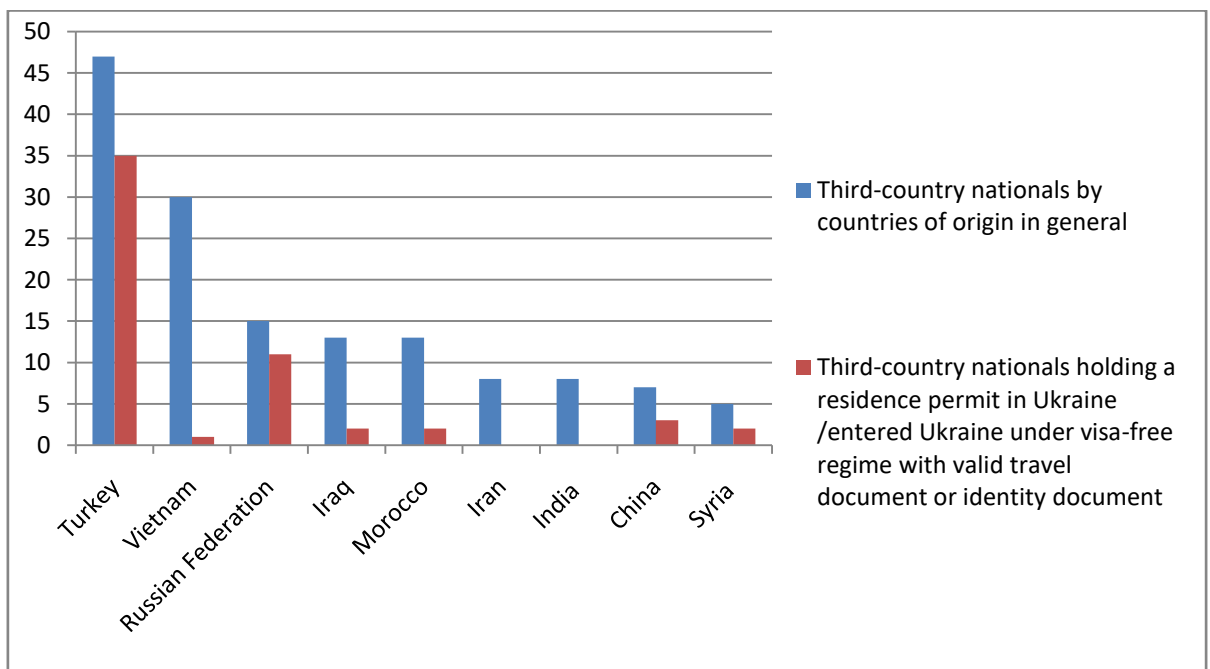
Most of third-country nationals transferred to Ukraine under a readmission agreement were men (81%).

Third-country nationals transferred to Ukraine in 2018 under readmission agreement by gender:



Among male foreigners transferred in 2018 there were 12 minor children: 2 of Iranian origin, 9 of Vietnamese and 1 Chinese origin. Also out of 32 % of women transferred to Ukraine in 2018 there were 12 minor children: 2 of Iranian origin, 2 from Iraq, 7 Vietnamese and 1 from Turkey.

Third-country nationals transferred to Ukraine under readmission agreement in 2018 by countries of origin:



Interestingly, among other third-country nationals transferred to Ukraine there were also foreigners from Algeria (5), Armenia (1), Azerbaijan (3) Bangladesh (5), Myanmar (1),

Eritrea (3), Guinea (3) Yemen (2), Cameroun (2), Kazakhstan (2), Kirgizstan (3), Congo (3), Libya (2), Liberia (1), Mongolia (5), and Palestine (1).

According to the information provided by the Border Guard, in 2018 an interpreter was used in the following cases: (in other cases, since the Border Guard officers were able to effectively communicate in English or Russian with the foreigners, there was no need to involve an interpreter).

Citizenship	Number of third-country nationals	Language of translation
Algeria	5	French **
China	4	Chinese
India	5	Hindi
Yemen	2	Russian *
Cameroon	2	French
Palestine	1	French **
Syria	1	French **
Turkey	3	Turkish
Vietnam	23	Vietnamese

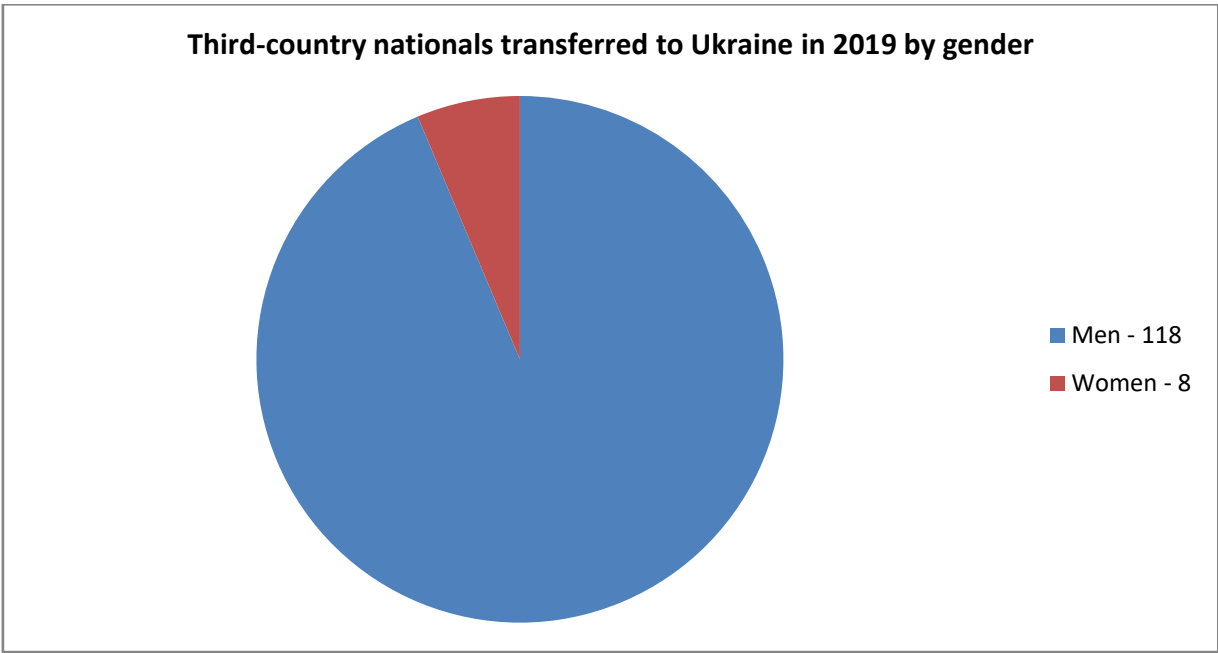
**Yemen – two foreigners previously studying in Ukraine, hence their knowledge of Russian or Ukrainian. Border Guard officers conducting proceedings did not know the language sufficiently to communicate freely with foreigners in Russian.*

*** Algeria, Palestine, Syria –a group of foreigners, all of them asked for a French interpreter.*

In 2019, 126 third-country nationals were transferred to Ukraine under a readmission agreement. The vast majority of them were transferred under accelerated procedure (122) and only 4 (stateless from Belarus, Morocco and Pakistan) were transferred under full readmission procedure.

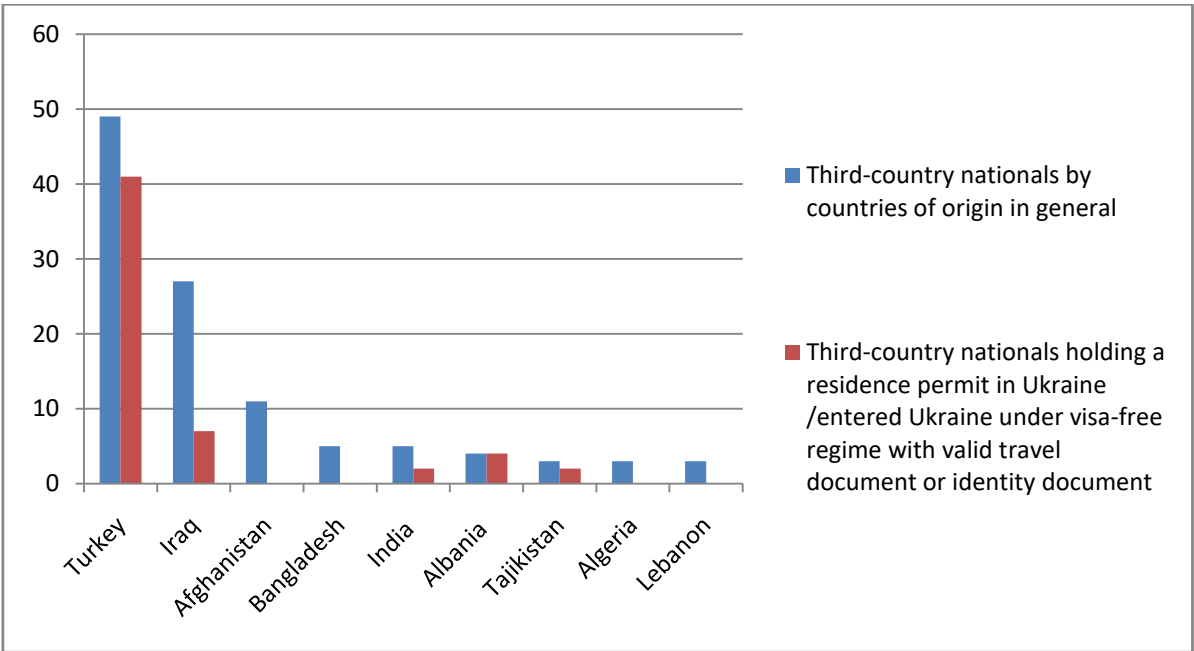
Most of third-country nationals transferred to Ukraine under a readmission agreement were man (93%).

Third-country nationals transferred to Ukraine in 2019 under readmission agreement by gender:



Among men transferred in 2019 there were 7 minor children: 2 from Turkey, 3 from Iraq and 1 from Afghanistan. Also 2 minor women from Iraq were transferred to Ukraine under readmission agreement that year.

Third-country nationals transferred to Ukraine under readmission agreement in 2019 by countries of origin:



Other third-country nationals transferred to Ukraine were from Armenia (1), Bosnia and Herzegovina (1) Gambia (1), Yemen (1), Mali (1), Morocco (2) Moldova (1), Pakistan (2), Dominican Republic (1), and Syria (1).

According to the information provided by the Border Guard, as in a previous year, in 2019 an interpreter was used in the following cases (in other cases, since the Border Guard officers were

able to effectively communicate in English or Russian with the foreigners, there was no need to involve an interpreter).

Citizenship	Number of third-country nationals	Language of translation
Dominican Republic	1	Spanish
Iraq	9	Arabic/Kurdish
Algeria	3	English
Turkey	4	Kurdish
Turkey	12	Turkish

In general, responses to the request from Ukraine are sent on time, without delays. Some of the readmission proceedings were, however, unsuccessful. In 2018, Ukraine denied to accept 2 third-country nationals from Iraq (Kurdish nationality). They were stopped by the Border Guard on the 4th of November 2018 on a border crossing in Hrebenne. Ukraine refused to accept them under readmission agreement. The denial was justified by the alleged insufficient amount of evidence and lack of proof confirming the presence of foreigners on the territory of Ukraine (the truck was in transit from Turkey and the seals were in good condition, not broken and without any signs of interference). The Ukrainian party did not agree with the Polish party and did not confirm the illegal crossing of the road border crossing Rawa Ruska – Hrebenne. Due to conflicting assessments of the case, it has been referred for further analysis of the Joint Readmission Committee of Poland in Ukraine.

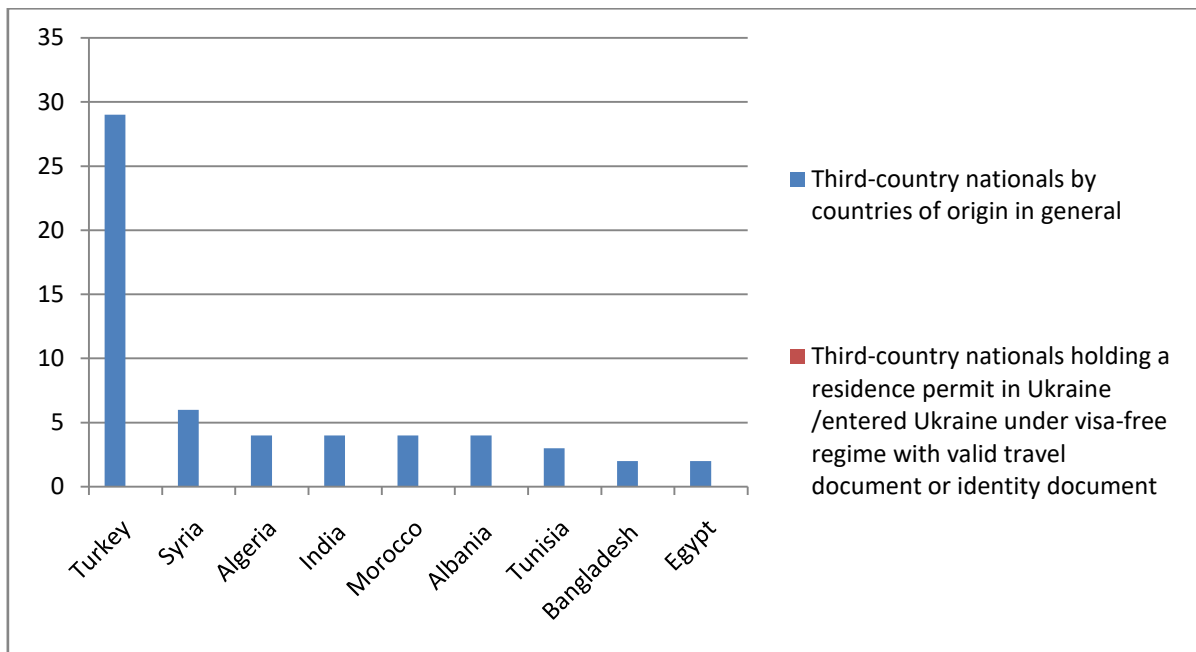
In 2019 Ukraine did not agree to accept one third-country national from Turkmenistan, which was explained by the lack of unequivocal evidence proving that this person crossed the state border between Ukraine and Poland against the provision of law at the indicated place and time. Readmission of 2 citizens of Syria was also unsuccessful. In this case, according to the Ukrainian party, the Polish party did not provide sufficient evidence, confirming illegal border crossing from Ukraine to Poland.

Based on the information provided by the Border Guard, only three third-country nationals expressed their will to apply for international protection during readmission proceeding (one from Iraq in 2018, one from Turkmenistan and one from Russia in 2019).

As for the year 2020 Halina Nieć Legal Aid Center asked for statistics for the first three quarters of the year to check, whether there were any differences in amount of third-country nationals before and after COVID-19 epidemic restrictions.

Between January and March, 30 men and 1 woman were transferred to Ukraine under the readmission agreement, from April to June only 3 men, and, finally, 24 men in the third quarter of 2020, all of them under accelerated readmission proceeding. There were neither minor children nor unaccompanied minors amongst them.

Third-country nationals transferred to Ukraine under readmission agreement in first three quarters of 2020 by countries of origin:



In 2020 the Border Guard used interpreters in the following cases:

Citizenship	Number of third-country nationals	Language of translation
Bangladesh	2	Bengali
Egypt	2	Arabic
Sudan	1	Arabic
Syria	3	Arabic
Syria	1	Turkish
Turkey	23	Turkish

In the first two quarters of 2020, according to information provided by the Border Guard there were no foreigners expressing their will for applying for international protection in Poland during readmission proceeding. In the third quarter a third country national from the Comoros declared her will to apply for international protection and, therefore, she was not transferred to Ukraine under the readmission agreement. Proceedings were conducted with participation of a French translator. Asylum procedure is currently in progress.

In the reply from 4th November, 2020, the Border Guard informed that as a result of introduction of a state of epidemic in order to limit the spread of SARS-CoV-2, the rules of cooperation between Polish and Ukrainian parties were modified. Currently in case of accelerated procedure the Border Guards make readmission requests to the State Administration of the Border Service of Ukraine. The Ukrainian party, before initiating the transfer of third country nationals to its territory, introduced the requirement to:

- undergo a 14-day quarantine from the day of detention, or

- undergo a test for SARS-CoV-2 resulting in issuing an appropriate certificate of a negative test for the presence of the virus, performed by using the PCR method (the antigen test)

II. Information on readmission proceedings provided by Ukraine

Administration of the State Border Guard Service of Ukraine in the letter from August 20, 2020 indicated that its sphere of competence lies in the implementation of accelerated readmission procedures. Data provided by the Ukrainian State Border Guard Service was compared to the data provided by the Polish Border Guard Service for the same period of time regarding same type of proceedings. It should be pointed out that with regards to Poland this report includes only the information regarding third-country nationals who were subject to accelerated proceedings. Ukrainian Border Guard Service provided the following number of Ukrainians subject to the accelerated readmission proceedings:

Citizenship	2018	2019	2020 (7 months)
Ukrainian	383	329	91

In the course of comparative analysis of data provided by Poland and Ukraine it was revealed that a number of persons included in the statistics of Ukrainian State Border Guard Service were not included in the information provided by Poland. This may be demonstrated on the example of the data from 2018-2019 taking into consideration that information on the year 2020 is not yet complete.

The following table represents the number and countries of origin or residence of persons not included in the statistics of Polish Border Guard that were indicated in the statistics provided by Ukraine with regards to accelerated procedure.

Country of origin/residence	2018	2019
Morocco	2	1*
Algeria	1	-
Afghanistan	1	-
Georgia	1*	-
Vietnam	17	9
Bangladesh	-	8
Pakistan	-	1*
Senegal	-	1
Tajikistan	-	1
Russian Federation	-	2
Belarus	-	1*
Sri Lanka	-	7
Somalia	-	2
Madagascar	-	1
Sudan	-	1
Czech Republic	-	1

**persons who were identified by Polish Border Guard as being readmitted according to full procedure, but Ukrainian Border Guard Service included them in the statistics of accelerated procedure.*

It should be pointed out that Ukraine did not include 2 persons from Libya and 2 persons from Cameroon in 2018. In 2019 comparing to Polish data, Ukraine did not include 4 persons from Turkey, 3 persons from Algeria, 1 from Mali and 1 person from Syria. These discrepancies were not explained.

Ukrainian State Border Guard Service underlined that data regarding the age categories and family status of persons subject to readmission is not being gathered for statistical purposes. Therefore, no information on the number of unaccompanied minors and families with children was provided in the response.

State Migration Service of Ukraine is an authority responsible for the full readmission procedure. In the response from October 19, 2020 the following number of persons subject to full readmission was provided:

Country of origin	2018	2019	2020 (9 months)
Ukraine	71	100	7
Other countries	0	0	0

No explanation was provided on the absence of foreign nationals in the statistics regarding the readmission of persons in full procedure. It was also noted that State Migration Service of Ukraine does not gather information with regards to unaccompanied minors and families with children. Moreover, State Migration Service of Ukraine concluded that current epidemiological situation did not influence the application of the Implementation protocol between the Cabinet of Ministers of Ukraine and the Government of the Republic of Poland on the implementation of the Agreement between Ukraine and the European Community on the readmission of persons.

Case study

The concept of the present report included the analysis of cases of persons who were subject to readmission and returned to Ukraine. In order to establish contact with readmitted persons the Halina Nieć Legal Aid Center contacted the NGO executive partners of UNHCR in Ukraine implementing projects regarding legal aid to foreigners and asylum seekers, in particular: the NGO “The Tenth of April” and “The Right to Protection”. In the response of the NGO „Tenth of April” it was indicated that their sphere of work covers regions bordering with Slovakia and Hungary therefore, no information on the readmission cases from Poland was provided.

The NGO “The Right to Protection” has several offices represented in different regions of Ukraine, including western regions bordering with Poland. In the response prepared by the lawyers it is underlined that they deal with many cases of foreigners who have been returned to the territory of Ukraine under the accelerated procedure on the basis of the Polish-Ukrainian Implementation protocol on readmission and are in the Temporary Residence Centers for Foreigners or Temporary Detention Centers. It was pointed out that lawyers of the NGO do not

gather information on the readmission procedure initiated in Poland, therefore there is no reliable data on the access to the asylum procedure on the territory of Poland. It was mentioned, however, that none of the foreigners readmitted to Ukraine (who contacted the above NGO) declared any problems regarding violation of their rights or access to the asylum procedure in Poland. Among readmitted persons who wished to apply for international protection in Ukraine were citizens of the following countries: Afghanistan, Syria, Bangladesh, Eritrea, Algeria, Palestine, Morocco, the Republic of Congo, Turkey and others. The NGO does not document the statistics dedicated specifically to the cases of readmitted persons, therefore, it was not possible to gather an exact number of persons and their countries of origin. However, it was possible to establish that (documentary statistics of such cases are not kept, so it is not possible to provide an exact list of countries of origin of foreigners who were returned on the basis of the Polish-Ukrainian protocol on readmission) among those returned were families with children. It was suggested by the lawyers of NGO's in Ukraine that in order to gather more information on the issue above it would be more beneficial to establish cooperation between the offices of UNHCR in Poland and Ukraine. Therefore, the NGO's executing projects on the legal aid to asylum seekers would monitor cases related to readmission from Poland and gather necessary information on the issue.

The Halina Nieć Legal Aid Center was able to spot one case of a person who was not readmitted to Ukraine due to filing of the application for international protection on the territory of Poland. The citizen of the Comoros who conducted her studies in Ukraine was detained after crossing the border between Ukraine and Poland. The foreigner indicated that after the police stopped her she was brought to the police station. After apprehension the foreigner agreed to communicate in English, however, due to the language difficulties she later changed her mind and asked for the translator from French, who was provided the next day. However, after being placed in detention center for foreigners the translator was provided only after 4 days. The foreigner pointed out that she was provided with the list of organizations she may contact to receive help, however, she was informed that she will have the opportunity to do so after being placed in a detention center. In the detention center another foreigner helped her contacting the Halina Nieć Legal Aid Center organization. According to the foreigner, she received the information on the possibility to apply for international protection when she was already in detention. There was no specific information on the asylum procedure provided before or after being placed in the detention center. In the detention center she was informed about the opportunity to be returned to Ukraine, however, she refused to return and asked for international protection.

Concluding remarks

As a result of the data collection and analysis undertaken in the course of preparation of the above report the following problematic issues were identified:

I. Organizational problems:

- a) **Access to translators.** The participation of a translator depends on the language that is spoken by the foreigner. In case the foreigner speaks Russian, Ukrainian or

English, the appointment of a translator is not necessary as most Border Guard officials involved in readmission proceedings can demonstrate a sufficient command of these languages. A written information on the rights of the detained person is handed and signed in to the foreigner. In case of the rare languages some logistical problems may arise in finding the translator upon short notice or during weekends and holidays. In case Border Guard speaks the relevant language the translator does not take part in the proceedings. However, to avoid any concerns about the access to information and overall understanding of rights that the foreigner has the participation of translator is recommended.

- b) **Contact with NGO's providing legal aid.** Polish Border Guards stated that the list of organizations providing help to foreigners is being displayed around all the premises accessible to detained foreigners. However, it can be assumed that after crossing the border to a different country, at least some foreigners might not be in possession of phone card necessary to make a call on the territory of Poland. From the case study provided above it is clear that the foreigners were able to contact an NGO only after being placed in the detention center and consulting with other foreigners on this matter.

II. Problems regarding the access to asylum procedure:

- a) **Information on the right to apply for international protection.** The scope of information provided by the Border Guard to the foreigner detained does not include the information on the possibility to apply for international protection. The foreigner may, however, declare his will to seek protection, at any moment of the procedure. Such a declaration stops the readmission process. On the other hand, from the information provided by Ukrainian NGO "The Right to Protection" it is clear that a significant number of third-country nationals readmitted to Ukraine did apply for the international protection in Ukraine.

III. Problems regarding identifying and interviewing readmitted persons:

- a) **Access to contacts of persons readmitted to Ukraine.** In the course of preparation of the above report Halina Nieć encountered a problem with establishing contacts with persons returned to Ukraine in order to interview them and collect information directly from them. The cooperation with Ukrainian NGO's on the issue was limited to the extent of their competence to gather information on the readmission cases which falls out of scope of their work. Moreover, it was not possible to receive the contact information of readmitted persons due to the data protection. It was suggested that such cooperation shall be established on the official level and facilitated by the UNHCR offices in Ukraine and Poland.

The number of applications for international protection of persons subject to readmission was identified as very low. It may be concluded that the issues identified above could be the reasons of limitations to the access to the international protection procedure. Another possibility

stemming from the HNLAC's experience in legal assistance to asylum seekers could also be the unwillingness of persons in question to ask for international protection in Poland. When apprehended – they would rather undergo the readmission procedure and try again to enter Poland/Schengen area hoping to get to their country of final destination (for example Germany) and file applications there.

However, in order to confirm this scenario, there is a need to further explore this topic and carry out a more comprehensive analysis of the issue, that would also include interviews with a larger number of readmitted persons. It was revealed in the course of the research that Ukrainian NGOs do not systematically gather any information on the topic. Therefore, the closer cooperation and informational exchange between Halina Nieć Legal Aid Center and Ukrainian NGO's providing legal aid to asylum seekers is necessary for the complete assessment of the access to asylum proceedings of readmitted persons. In the view of the vulnerability of persons on the move and the guarantees provided by Convention Relating to the Status of Refugees the subject requires further attention and research on practical solutions to the problem.