

Overview of the situation

with “transit refugees” in Brest
(May — August 2018)

Introduction

The review is an interim report, it was prepared on the basis of monitoring activities of Human Constanta office in Brest with the participation of volunteers. The review covers the activities from May to August 2018.

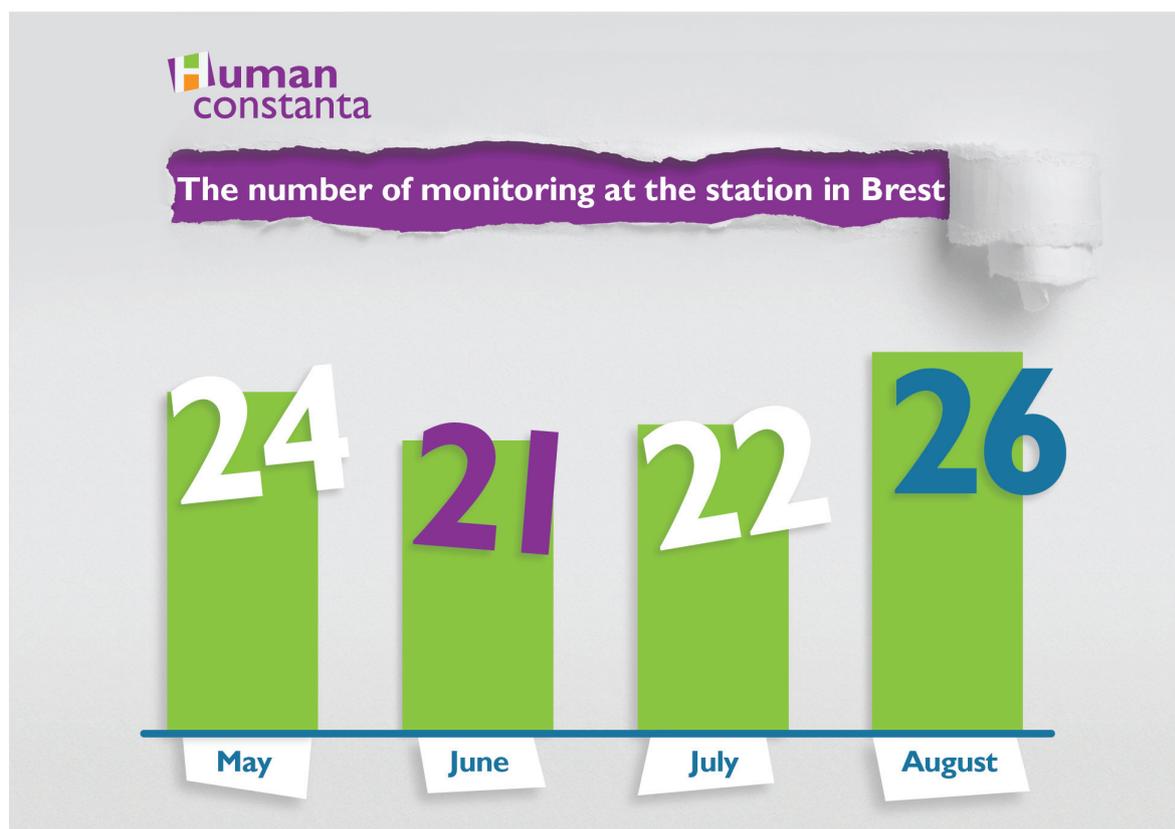
Human Constanta works with modern challenges for human rights in Belarus. Among other things we deal with the protection of the rights of foreign citizens and stateless persons as well as the topic of non-discrimination. Since September 2016, we have deployed the Refugee Assistance Mission in Brest. In March 2017 an office for counseling foreign citizens and stateless persons was opened. We regularly monitor the situation in Brest and at the Polish border crossing point Terespol. During our work we issued several reports on the situation at the border.¹

During the period from May to August 2018 we conducted a survey among persons seeking asylum in Poland. They were interviewed by members of our organization at the railway station. Useful information, counselling and humanitarian assistance were provided. During that period we conducted 93 surveillances. We were able to interview in detail 43 families. Furthermore we prepared 11 appeals against commandant's actions.

¹ Previous reports are available on the website <https://www.humanconstantaby.org/publicacji>

Conclusions

1. The situation remained basically unchanged in comparison to the previous period (November 2017 — April 2018).²
2. From May to August 2018 the number of transit refugees remained constant. In May/June approximately 40-50 persons got on a train Brest—Terespol. It is the least amount of transit refugees that we have recorded over a two-year period of our work. In August the number increased to 150. According to our rough estimation, the total amount of people who attempt to request international protection by the end of the reporting period constituted approximately 400 (maximum of 450) persons.
3. It's not an offense to use the territory of the Republic of Belarus as a transit route. Under the legislation foreigners in transit could stay in the country up to 2 days except for an emergency stop. In the case of the refugees in Brest this exception should be applied, since they are forced to stay longer, unable to cross into Poland.



² https://docs.wixstatic.com/ugd/ce31b5_6f405b3336d84a6e827edaf26ad350c8.pdf

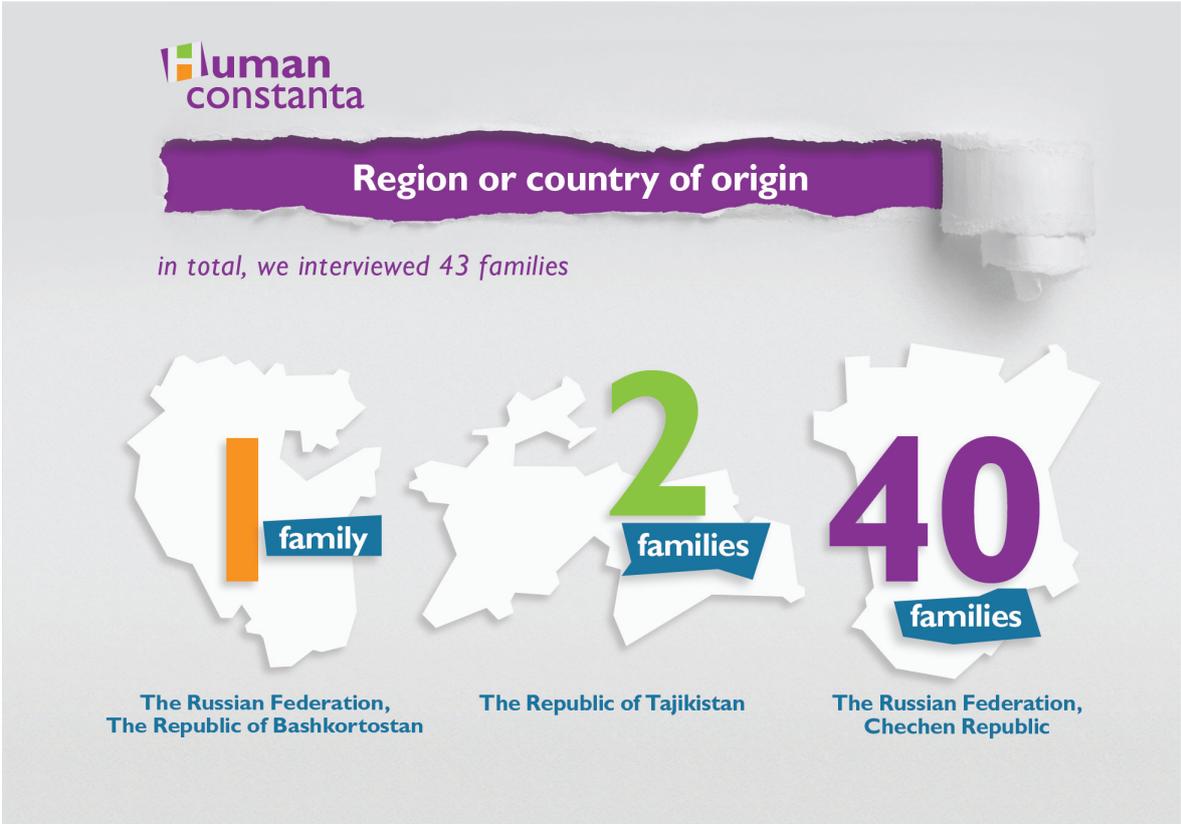
4. For those who come from the territory of the North Caucasus, where the major of people are running from (93 %), in our opinion, the Republic of Belarus is not a safe country. At the same time Poland violates legal procedures by denying entry and consideration of their applications for international protection.
5. As before, daily Polish border guards let on average one family of refugees on a random basis to cross the border, without obvious logic. Since may 2018, transit refugees coming from Brest have tried at least 1,239 times to request international protection in Poland and only in 110 cases such applications were accepted.
6. Refugees do not have any clear age and social tendency. The majority flees with children and had a profession in their country of origin.
7. Persecution, threats and torture are noted as the main reasons for fleeing by respondents.
8. The majority of the respondents requires regular medical, legal, psychological and humanitarian assistance.
9. The discriminatory and inhumane treatment by Polish border guards obviously takes place. On the Belarusian side ad hoc incidents turned to the systematic problem with unjustified mass reduction of the duration of stay for persons who had made 10 or more “attempts”.



Statistics

I. The region of fleeing

40 families out of 43 among those interviewed (or 93 %) come from Chechnya. When it comes to other Russian regions, one family came from Bashkortostan. Also we interviewed two families from Tajikistan during that period.



2. Age

Out of all people surveyed, 20 refused to give their age. The rest were between 18 and 57 years. No pronounced age trend can be found.

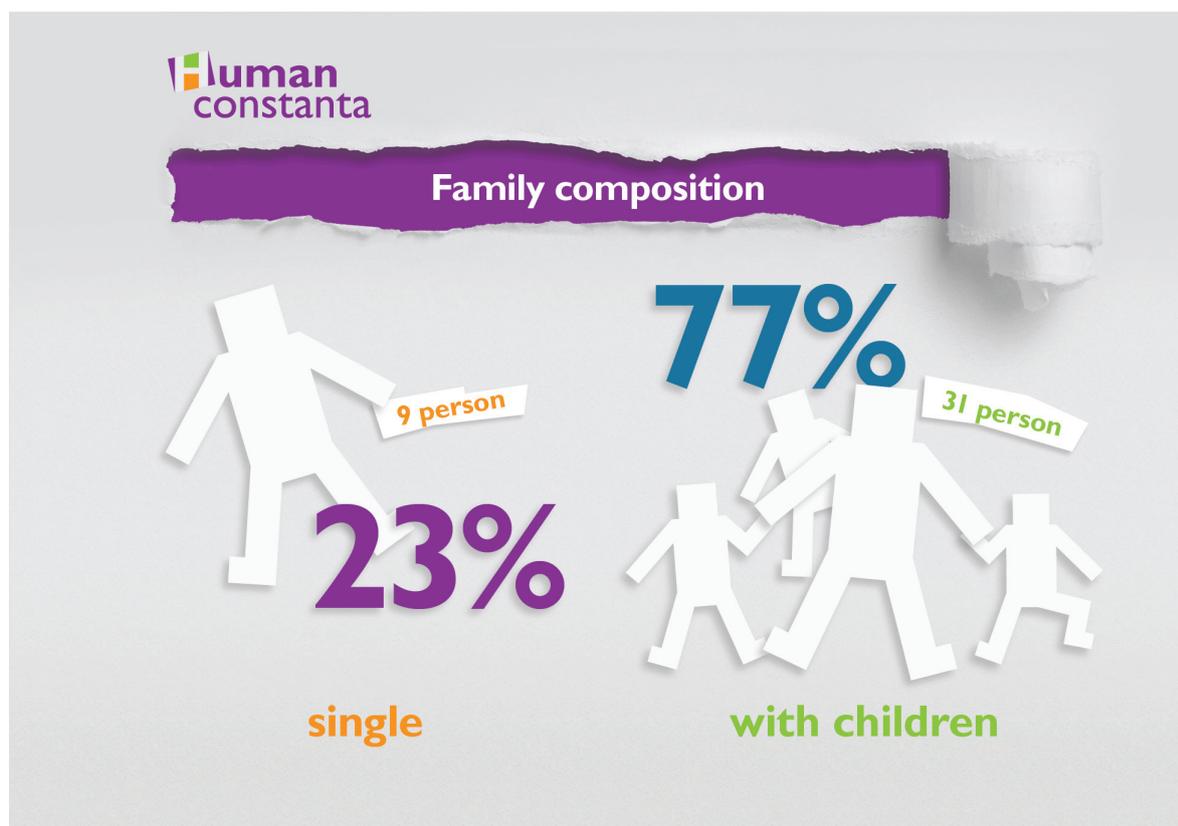


3. Family composition, professional activity

Of all respondents 21 % were without families (9 people), the overwhelming majority consists of men.

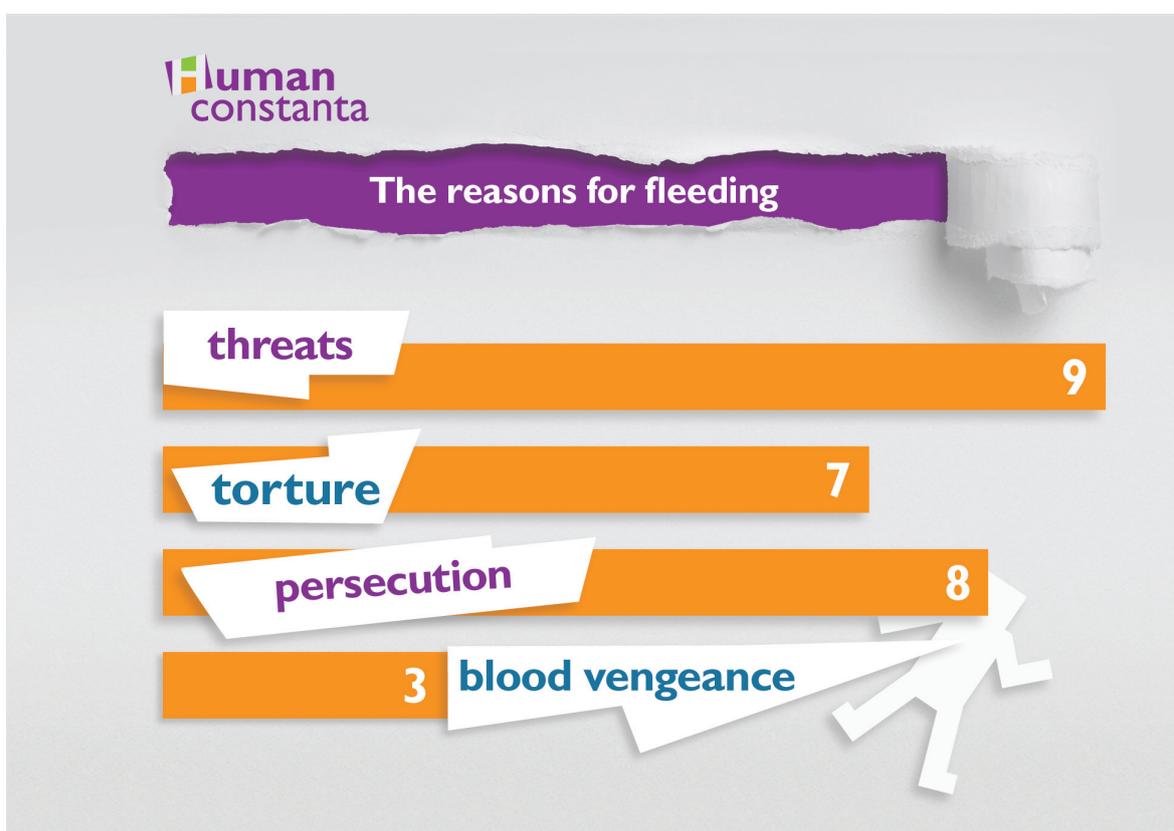
In the survey people indicated who they were travelling with. The total amount of people was 175 persons (respondents and their family members). Sometimes families consist of 2 persons, but generally there are families with children. On average the family includes 3-5 children. Meanwhile there is only one parent in the big family sometimes. 13 people is maximum recorded number of persons in one family in the present stage.

Out of 43 respondents, 15 people (35 %) indicated that they had a job qualification or worked before leaving. Four people indicated they were accountants. The rest indicated different specialties: housewives, specialist at a gas station, painter, programmer, deputy head in kindergarten, medical workers, policeman, leader of Islamic Renaissance Party of Tajikistan, etc.



4. The reasons for the fleeing

27 out of 43 respondents agreed to name the reason for the flight, and one person decided to tell about the reason through interview and photos. The number of people generally speaking about the causes of flight has decreased compared with the previous period. In 26 cases out of 27 the reasons are told to be threats, torture, blood feud or persecution.



5. Have they applied for Schengen visa?

10 families (23 %) reported they applied for a Schengen visa and were refused.

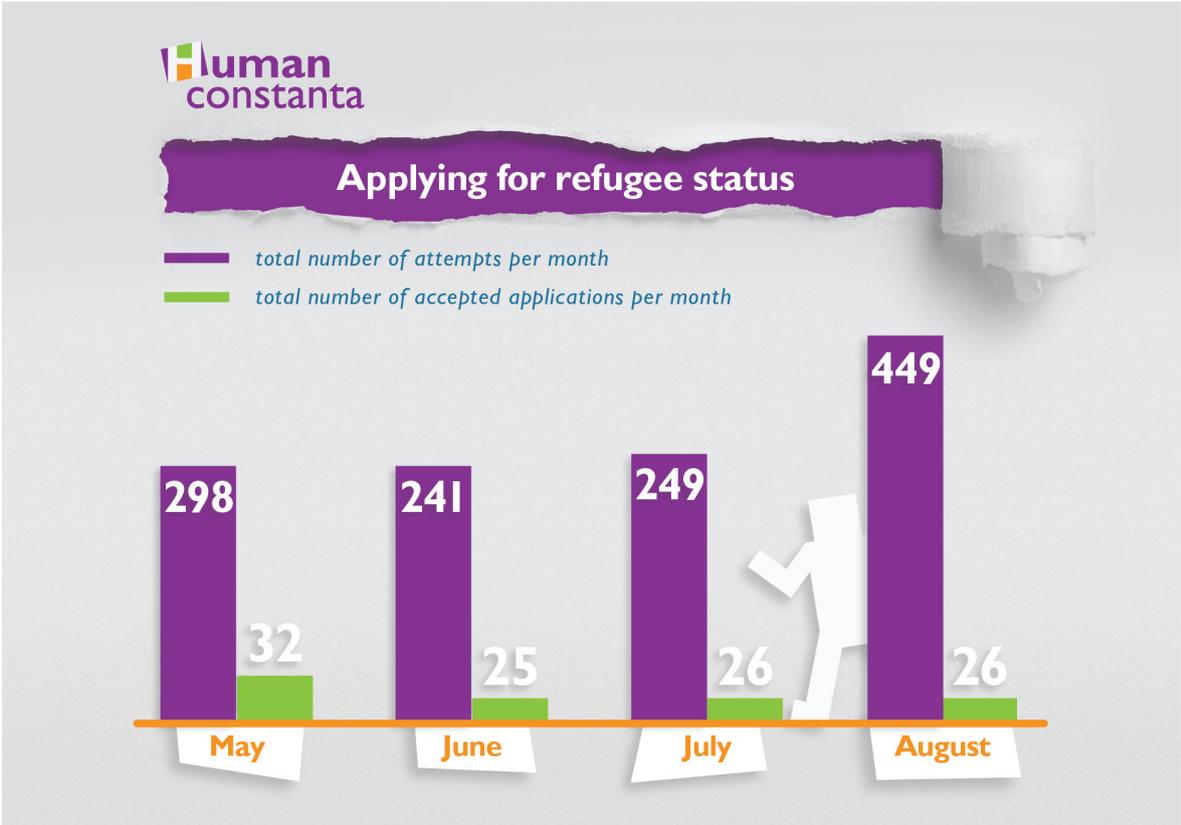
6. Duration of stay in Brest

Among the respondents there were people with different length of stay in Brest, from several days to 4 months. In one case, the family was in Brest for 1 year and 1 month.

7. Attempts to enter Poland. Statistics of passes through the border.

Attempts to enter Poland. Statistics of passes through the border. The number of attempts depends on the duration of stay in Brest. Some go to Terespol every day, but on average — every 2–3 days. The greatest number of attempts that we recorded — 44. At each attempt to enter, the border guards put a crossed out stamp into the passport. As a result the pages in foreign passports end quickly, while it may be unsafe to apply for a new one to the consulate.

Also from May to the end of August 2018, the volunteers of the organization conducted polls on the return of the Terespol—Brest train. Information for the survey was obtained from the words of refugees, therefore, it is approximate. Almost every day Polish border guards let one family or single person cross the border by random principle, the rest were returned by train to Brest. During this period we recorded at least 1,239 attempts, of which only 110 were successful. No one was let into Poland at least 11 days in 4 months.



8. Incidents at the border and in Brest as well as other problems

During the polls we asked to talk about the incidents that occurred with the refugees in Terespol or in Brest. We were told about 19 incidents in Poland. For example, the border guards of Poland provoked a conflict; shouted, rudely treated; threatened and insulted; mocked or jeered; they did not accept documents, “didn’t believe and take us serious”.

During this period there were several cases when people came to the border with prepared documents about the facts of their persecution. At the same time, Polish public organizations already appealed to various authorities in support of these people. The reaction of the Polish border guards was negative: these people were subjected to a more thorough survey and aggressive attitude. Despite numerous attempts they were not allowed to enter the country.

We need to emphasize the cases, took place in Brest. Especially we are worried about such kind of incidents as shortening of the term of stay, and then the ban on entry to Belarus by the body on citizenship and migration (Citizenship and Migration Department). The ban on entry to the Republic of Belarus is based on paragraph 9 of Article 30 of the Law of the Republic of Belarus “On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus”, allegedly “there are sufficient grounds to believe that a foreigner can ... use the territory of the Republic of Belarus for illegal migration to a third state” which contradicts national and international law. The Universal Declaration of Human Rights, 1948 (Article 14), as well as the United Nations Declaration on Territorial Asylum, 1967 prescribes that “everyone has the right to seek asylum from persecution in other countries and to enjoy this shelter”.

We know that the Belarusian citizenship and migration authorities currently intend to identify and subsequently shorten the period of stay for individuals who have committed more than 10 attempts. There were cases of illegal confiscation of passports from citizens of the Russian Federation. For example, at the returning from Terespol and entering Brest, the Belarusian customs officers took passports from citizens of the Russian Federation and directly transferred them to a civilian. Later it was known, that this person was a worker of the citizenship and migration authorities. Without issuing the relevant documents, he just informed the owners of the documents by which time the latter should come to the citizenship and migration authority. The duration of stay of all these people was reduced.

It is necessary to notice, that the legal literacy rate of these people is too low. They do not believe, that complaints will help them, which often does not allow to convince them to appeal against the illegal actions of employees of the Belarusian authorities.

Incidents on the border in Poland



Incidents in Brest



9. Help requests

When interviewing, we also asked the respondents if they needed help. 33 families indicated they needed help. Often these were requests for several types of assistance: humanitarian, medical, psychological, legal.

During the period because of the warm season the requests were generally about food and diapers.



10. Other activities

Also during this period we held workshops for children and parents, where children could draw, sculpt and make some very simple crafts, drink tea with sweets and communicate with each other. Moreover, during the master classes, coaches talked about legal issues, rights, as well as European family traditions. We thought such meetings would help the children to gain a sense of security, the ability to play and socialize, and help mothers to prepare better for further integration. During this period we held 16 master classes, which were attended by 82 people. 19 persons received legal advice under the work of counseling office.



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