



legal dialogue

TOPICS FROM CIVIL SOCIETY

Interview with Monica Walancik, Head of the refugee law section of the legal clinic at the Jagellonian University of Krakow (Poland)



Monica, you work in a legal clinic with a long history. Could you tell us a little about it?

Last year we celebrated our clinic's 20th anniversary. Our clinic at the Jagellonian University of Krakow is the oldest in Poland. At the beginning, there were only two sections: human rights (HR) and criminal law. Today the clinic consists of five different sections: the civil law section, the criminal law section, the HR section, the labour law section and the medical law section. As the head of the HR section, I mostly deal with immigrants and refugees as well as with foreigners who come to Poland to work or study and whose visas subsequently expire. We also help foreigners who are being held in detention. From the very beginning, our clinic was supported financially by the Ford Foundation (USA), which remains the main donor to this day. In addition, we are supported by the Polish Association of Legal Clinics, headed by Mr. Chernitsky, which receives some grants from other sources. Since we are an integral part of the university, we also receive money in this way.

Do you receive further support from your university?

The clinic is not located in the main building of the law faculty. I am not entirely sure if this office belongs to the university or is a rental. Whatever the case, all the facilities, documents and regulations come from the Jagellonian University. For instance, if the Dean of the Law Faculty provides students with a free day, the clinics will also be closed. Our staff consists of university lecturers and professors as well as of freelance lawyers and advocates like me. All the staff members are former participants in the clinic. We, the freelancers, sign a contract with the university.

What is the participation in the clinic like?

The participating students take part in the clinic over the course of an academic year and receive credits for their participation. This is essentially one of the subjects in their curriculum. However, not all the students who apply to the clinics are ultimately accepted. Since we have more applicants than the amount of places, we usually need to select the students. Each section conducts its own interviews with the candidates.

The students who are accepted have to spend a few hours at the clinic every week as a minimum. The hours and days of the week have to be fixed; so that our clients know which student is responsible for his/her case and when he/she is available to meet them. Once a week we also organize a joint meeting with all the students. In our section, this takes place on Mondays. We discuss the cases and the students share their ideas regarding how to help the clients and solve their problems. We are, of course, in constant contact with the students via e-mail and telephone. The students prepare legal claims and applications in the name of the client, send these documents for inspection and, if everything is fine, print the documents, sign and send them to the relevant authorities.

Unlike the other sections, the HR section also works during holidays. We receive a power of attorney signed by the clients so we can represent them in administrative cases. According to Polish law, with administrative issues, anyone can represent the client in administrative procedure - it does not have to be a lawyer. For instance, our students can represent clients who are seeking asylum in Poland, since this is a purely administrative procedure. We have many deadlines to adhere to, because we receive decisions by the government authorities and need to appeal them within a particular time window, in the event that the decision is negative for our client. This is the reason we have to continue working during holidays. As a rule, most of our clients are either at the camp in Przemyśl, or they visit our office and ask for help.

At the beginning, you said that you also help foreigners who are being held in detention...

Yes, once a month we go to Przemyśl, where one of the detention camps for illegal immigrants is located. I chose this particular camp because the students can deal with a wide range of issues there, since it is not solely for asylum seekers but also for those who have violated immigration rules. We also support those clients who intend to appeal to the European Court in Strasbourg. We help those who are not able to hire a lawyer due to financial difficulties. They need to sign a form that states that they cannot afford a lawyer by themselves.

This sounds very intense. Do you also offer any preparatory courses, or do the students start their work at the clinic right away?

At the beginning of each academic year, we provide the students with a short course where we explain how everything works and give them some basic legal aspects. We explain what types of documents they need to prepare, how to approach the clients, etc. We also organize a basic Russian course, since we deal with many clients coming from Russia. You have to understand that in Poland the majority of refugees are from Russia, especially from such regions as Chechnya and Ingushetia. A former student of ours who speaks the language is currently teaching this Russian language course. Of course, this is a very basic course, but it also focuses on legal terms, so the students can communicate with the clients.

You mentioned that you needed to select the students. Could you tell us about the selection procedure?

Each section has its own procedure. In my section, it is not that easy to explain, but during the interview you are able to detect whether or not someone has the correct competencies to be part of the clinic. The most important thing is the ability to find the right approach to a client, so one has to be an open-minded person. The ability to work in a group is also important – even though each student has his/her own cases, they still meet in a group and discuss their clients. If the group dynamics is not good, it has a direct influence on the relationship between the students and myself. Personally, I do not care so much about their grades and the courses they take, because for me it is more important to have an open, social person than an excellent student. In addition, based on

my own experience, I do not choose students who already have some kind of a job or an internship at a legal firm, because it is very difficult to combine both occupations. This year, for instance, we had two students who were accepted by the clinic, and neither of them told me that they had an additional job. After just a few weeks they said that they could not handle both roles and left the clinic. However, in recent years, there has also been a decline in students' interest in joining the clinics. I think the main reason for this decline is that students prefer to do an Erasmus exchange instead of working at the clinic. In the HR section, we have six students this year, whereas in previous years we had around 12 students.

How do potential clients get to know about your clinic?

Our potential clients find out about us from different sources. Firstly, there is our web page on the Internet. Secondly, our printed posters hang in courts as well as in the Krakow immigration office. We also appear on the law clinic list in the immigration head office in Warsaw. This is why when any changes are made to the immigration legislation; the head office sends us a request to make comments to the offered legal alterations. The government authorities treat us as an NGO, which in fact we are not – our clinic is part of the university. Nevertheless, they always cooperate with us and ask for our legal opinion on different issues. That is why I was invited to a big conference in Warsaw to discuss major changes in migration legislation in Poland in 2011. Regarding the clients from the Przemyśl camp, I am in close contact with the head of that institution, and at the beginning of each year, I inform him of the dates when we will be bringing students to visit them. We provide them with posters in Russian, English and French so that the migrants know when we will be there to advise them. Each migrant has the right to register and express his/her will to meet with us in advance. Some people come because they have heard about our clinic from other people, since we have existed for 20 years.

What kind of questions and requests do you usually deal with?

As I have mentioned already, most of the questions and requests concern refugee status. The second most popular issue is the legalization process of migrants' stay in Poland. These are the two main issues with which our clients come to the clinic. Sometimes the requests are very similar, but sometimes we get quite difficult and complicated cases, especially when we don't have enough time to prepare our tactics. For example, last year we had a problem because someone called us from the airport during our weekly meeting and complained that his entrance to Poland was being denied by the border control. We had to stay at the clinic late into the night to find a solution for this person, because otherwise he would have been deported back to his home country (Ukraine or Russia, I don't remember). So sometimes, we have cases that require a very speedy, operative response from us. The group meetings are very important, because the students need to know what is going on in other cases that their fellow students deal with. This becomes especially urgent during holidays, when just one student is on duty at the clinic and the weekly meetings aren't taking place.

You mentioned time pressure as one of the difficult aspects of your work. What other difficulties do you face in your daily work with migrants and refugees?

There is the language barrier, of course. For instance, I do speak some Russian, but even for me it is difficult to understand the migrants who come from Chechnya, as they speak Russian with an accent. As a result, they cannot provide us with all the information and details we need to know in order to help them in the best way possible. Another very common problem when working with migrants is that they change their phone numbers very often and forget to inform us about the new numbers. Or they change their address and forget to tell us. It can be quite difficult to stay in touch with them. Sometimes they will only send scans of the necessary documents a few days before the deadline, which, of course, is not helpful.

Is there anything you are particularly proud of from your work in the clinic?

There were a few cases, which were quite difficult. Some of our clients were eventually granted refugee status, thanks to our support. In Poland, it is extremely difficult to get this status. Usually other types of national and international protection with far fewer advantages are given to the migrants. Also, a few years ago one of our clients won his case at the European Court. We were proud of this as well. Of course, there are also clients with whom it is very difficult to work. I am also proud that many of my former students work in good companies as successful lawyers, some of them work in international organizations. I receive news from them from time to time.

What is the vision of your clinic in five years? How do you see it?

On the 20th anniversary of our clinic, we organized a conference, in which all the clinics from Poland and some from other European countries took part. I know that one of the Polish clinics organizes an annual trip to Strasbourg to participate in the hearing. So I would like to do the same with my students – I have even already discussed this issue with the head of our clinic. I think it is possible – if not this year then maybe next year.

Do you cooperate with other clinics in Poland or in other countries?

We can direct a client to another clinic if he/she moves to another city, for instance. But usually each clinic works on its own within the university to which it belongs. Last year we were contacted by another clinic, which asked us to help them. It was quite a strange case. Some sailors had reached Poland via one of the port cities, but since we are in the south, I gave them the details of a clinic in Gdansk. We are usually contacted by NGOs, but in many cases, after a brief conversation, it is clear that there is no basis for cooperation. Also, we have a rule that if a certain client has already approached another NGO or a law firm for help, we will not take on this case. The civil law section cooperates with an organization to receive cases from them, but this is the exception rather than the rule. Our main goal is academic; we need to teach our students. That is maybe why we don't really have as much cooperation – it is simply not our priority.

I understand that your clinic is not a member of any legal clinics' association in Europe or the world?

Actually, we are members through our connection to the Polish Association of Legal Clinics, which is a member of various international networks.

So you don't believe that such an international cooperation is useful or important?

No, I do think it is important. For example, our 20th anniversary conference was attended by many clinics that are members of networks. Actually, this is something our clinic is missing. But the problem of developing this aspect is the university authorities, which are not always helpful. I don't know how we could organize such an exchange, even though I do think it is a very good idea. Also, we mustn't forget the financial difficulties. On a few occasions, we have had representatives from newly established legal clinics in Ukraine and Belarus visit us and learn from our experience. However, we haven't yet received an invitation to go and visit them, for example. I can see that such exchange is necessary and should be a part of our work, but I don't really know how to organize it.



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