

DOES THE EUROPEAN UNION NEED A SPECIAL OMBUDSMAN FOR MIGRANTS?

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Research Question: Migrants in the EU are a group of double vulnerability because of their »in mobility status« and lack of knowledge on the binding law in receiving country. Does there, in consequence, exist in the legal framework of the EU the need for appointing a Special Ombudsman for Migrants in the European Union?

Purpose: Forced migrants, persons seeking international protection and also irregular migrants face various obstacles in the full enjoyment of fundamental rights guaranteed to them. The research purpose is to answer the RQ and in the consequence, if the answer is positive, prepare a proposal of the institutional framework of the Office of the Ombudsman.

Method: The research purpose was achieved by the comparative legal method – the comparison between US legal system, Australian legal system and European system.

Results: Migrants, as a vulnerable group, not knowing very well the legal norms binding in the receiving country, need special support in the legal protection process. This question rose to prominence especially in the context of the COVID-19 pandemic and the outbreak of the war in Ukraine. The office of a specialized ombudsman who deals with the issue of migration is not a novelty in the solutions adopted in non-European countries. For example, the Citizenship and Immigration Services Ombudsman operates in the USA, appointed under the Homeland and Security Act (act of 2002). The Ombudsman's main tasks involve helping individuals and employers in proceedings before the Bureau of Citizenship and Immigration Services, identification of areas in which individuals have problems in proceedings before the Bureau and suggesting possible changes in the administrative practice. Moreover, the Ombudsman presents an annual report on its activity to the Congress no later than on 30 June of the year following the reporting year.

The aim of this presentation is to demonstrate needs in the area of ensuring legal protection to migrants in the EU and to put forward proposals to appoint a special office of the Ombudsman for Migrants within the EU institutional framework.

Organization: The proposal may strengthen the protection of migrants rights, if properly implemented. May be also helpful for NGOs acting within the area of human rights.

Society: The research amplifies the social awareness about migrants status and their needs, helps to fight discrimination and xenophobia.

Originality: The proposed research presents a brand new look at the Union responsibilities in the migrants' rights protection.

Limitations / further research: The presentation is the outcome of the scientific project THE

OMBUDSMAN AS A GUARANTOR OF PROTECTION OF FUNDAMENTAL RIGHTS OF MIGRANTS founded by the Polish Science Centre. The presentation covers only a piece of the general scheme of the project and in the future the author, basing on the current finding, will prepare more detailed proposals for the EU institutions, regarding this problem.

Keywords: migration, immigrants, Ombudsman, EU law, fundamental rights, legal protection.

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