

LAW AND JUSTICE PARTY LOSES TO THE PRESIDENT OF THE OPEN DIALOGUE FOUNDATION. COURT CHALLENGES THE QUALITY OF THE EVIDENCE

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A Provincial Administrative Court has found that the Internal Security Agency's conclusions are not reasonably based on the evidence gathered by the Internal Security Agency and reversed the decision to refuse to grant Lyudmyla Kozlovska a resident permit for Poland," the *Dziennik Gazeta Prawna* daily reported on Monday.

The court reversed the decisions taken by the Mazovian Province Governor and the Head of the Office for Foreigners in October 2018 and February 2019, respectively, refusing to grant Lyudmyla Kozlovska a long-term permit to stay in Poland. "Following an analysis of the evidence provided by the head of the Internal Security Agency, the court has found that the evidence is 'very general', 'laconic' and 'insufficient for a refusal decision'," the newspaper said.

"The [decision-issuing] authority failed to make an appropriate assessment. Its conclusions are not reasonably based on the information / evidence gathered in this matter," the presiding judge of the Provincial Administrative Court said in her statement of reasons for the court's decisions, as quoted by *Dziennik Gazeta Prawna*.

According to the newspaper, the matter will go back to the Mazovian Province Governor. "On the basis of this court decision, this authority will have to grant a resident permit to the president of the Open Dialogue Foundation or to provide more credible reasons for its refusal to grant the permit applied for. Furthermore, the Head of the Office for Foreigners is free to make a cessation appeal to the Supreme Administrative Court," the daily wrote.

Deported from Poland to Ukraine

In August 2018, the president of the Open Dialogue Foundation, Lyudmyla Kozlovska, was deported from Poland to Kiev on the basis of an alert entered by Poland in the Schengen Information System (SIS). As the reason for its negative opinion on her application for a resident permit, the Internal Security Agency explained that it had "serious doubts" about the financing side of the foundation, which resulted in the decision to prevent her from entering Poland and the EU.

In September 2018, Kozlovska was granted a temporary visa from Belgium, which allowed her to visit the European Parliament. She also visited the UK and the Council of Europe in Strasbourg.

One of the formal objectives of the Open Dialogue Foundation, set up in 2009, is to defend human rights, democracy and the rule of law in the post-Soviet region, particularly in Kazakhstan, Russia and Ukraine.

Link: <https://www.polsatnews.pl/wiadomosc/2019-09-09/pis-przegrywa-z-szefowa-fundacji-otwarty-dialog-sad-podwazył-jakosc-materialow-abw/>

The original title: "PiS przegrywa z szefową Fundacji Otwarty Dialog. Sąd podważył jakość materiałów ABW"